



R02-19-C-004

## THE CITY OF UTICA

OFFICE OF THE MAYOR  
1 KENNEDY PLAZA • UTICA, NEW YORK 13502

ROBERT M. PALMIERI  
Mayor

Phone: 315-792-0100  
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January 24, 2019

Lya Theodoratos  
USEPA Region 2  
290 Broadway  
18<sup>th</sup> Floor  
New York, NY 10007

**RE: FY19 USEPA Brownfields Cleanup Grant Application - 1712 Erie Street Site | Utica, NY 13502**

Dear Ms. Theodoratos,

The City of Utica is pleased to submit an application to the USEPA FY19 Brownfields Cleanup Grant program to remediate and position the 1712 Erie Street Site for redevelopment. Enclosed, please find the comprehensive application package.

### NARRATIVE INFORMATION SHEET

1. Applicant Identification  
City of Utica  
1 Kennedy Plaza  
Utica, NY 13502
2. Funding Requested
  - a. Single Site Cleanup
  - b. Federal Funds Requested
    - i. \$380,000
    - ii. City is not requesting a waiver
  - c. Hazardous Substance
3. Location
  - a. City of Utica
  - b. Oneida County
  - c. State of New York
4. Property Information  
1702 Erie Street  
Utica, NY 13502

5. Contacts

- a. Project Director: Brian Thomas, Commissioner of Urban & Economic Development  
1 Kennedy Plaza, Utica, NY 13502  
315.792.0181 [bthomas@cityofutica.com](mailto:bthomas@cityofutica.com)
- b. Chief Executive: Robert Palmieri, Mayor  
1 Kennedy Plaza, Utica, NY 13502  
315.732.0180 [rpalmieri@cityofutica.com](mailto:rpalmieri@cityofutica.com)

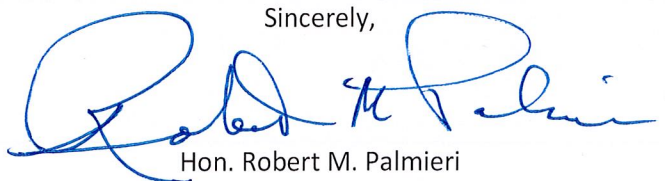
6. Population: 60,635

7. Other Factors Checklist:

Other Factors	Page #
Community population is 10,000 or less.	n/a
The applicant is, or will assist, a federally recognized Indian tribe or United States territory.	n/a
The proposed brownfield site(s) is impacted by mine-scarred land.	n/a
Secured firm leveraging commitment ties directly to the project and will facilitate completion of the project/redevelopment; secured resource is identified in the Narrative and substantiated in the attached documentation.	n/a
The proposed site(s) is adjacent to a body of water (i.e., the border of the site(s) is contiguous or partially contiguous to the body of water, or would be contiguous or partially contiguous with a body of water but for a street, road, or other public thoroughfare separating them.	n/a
The proposed site(s) is in a federally designated floodplain.	n/a
The redevelopment of the proposed cleanup site(s) will facilitate renewable energy from wind, solar, or geothermal energy; or any energy efficiency improvements projects.	4
Other Considerations	Page #
<b>Greater than 20% of Utica's population has lived in poverty over the past 30 years</b> , as measured by the 1990 and 2000 decennial censuses and the most recent Small Area Income and Poverty Estimates. 2017 estimates indicate that <b>30.4% of Utica's population lives below the poverty level.</b>	1

8. Letter from the State or Tribal Environmental Authority: *See attached.*

Sincerely,



Hon. Robert M. Palmieri  
Mayor

# NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Remediation, Bureau of Program Management  
625 Broadway, 12th Floor, Albany, NY 12233-7012  
P: (518) 402-9764 | F: (518) 402-9722  
www.dec.ny.gov

January 17, 2019

Brian Thomas  
Commissioner of Urban and Economic Development  
Utica City Hall  
1 Kennedy Plaza  
Utica, NY 13502

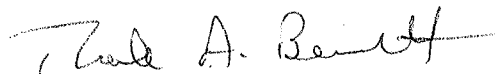
Dear Mr. Thomas:

This is to acknowledge that the New York State Department of Environmental Conservation (DEC) received a request from the City of Utica's consultant, MVEDGE, dated January 4, 2019, for a state acknowledgement letter for a Federal Year 2019 United States Environmental Protection Agency (USEPA) Brownfields grant.

I understand that the City of Utica plans to submit a Brownfield Cleanup Grant application for up to \$500,000 and the Utica Urban Renewal Agency will be providing up to \$100,000 in matching funds. Funding will be utilized to perform hazardous substance and petroleum cleanup activities at 1712 Erie Street, the former Mele Manufacturing site, and to conduct associated planning and community involvement activities. This is a strategic infill site for the City of Utica. Phase I and Phase II Environmental Site Assessments and supplemental investigations recently performed at this site have concluded that there are numerous semi-volatile organic compounds, polycyclic aromatic hydrocarbons, chlorinated solvents, and heavy metals present in the soil and groundwater.

DEC encourages initiatives to redevelop brownfields with the goal of mitigating any environmental and health impacts that they might pose.

Sincerely,



Theodore Bennett  
Director  
Bureau of Program Management

cc: T. Wesley, USEPA Region 2  
J. Brown, DEC Albany  
P. Taylor, DEC Region 6  
C. Mercurio, MVEDGE



Department of  
Environmental  
Conservation

## **PROJECT NARRATIVE**

### **1. PROJECT AREA DESCRIPTION AND PLANS FOR REVITALIZATION**

#### **1.a. Target Area & Brownfields**

##### **1.a.1 Background and Description of Target Area**

The City of Utica is applying for its first-ever USEPA Brownfield Cleanup Grant (since the Brownfields Assessment Demonstration Pilot program between 1998-2001). Utica is proposing the cleanup of a strategic site with high development potential, a plan to remediate, a strong interagency team in place, and a clear vision for smart growth. Revitalization of the City's urban brownfields is central to the vision, and 1712 Erie Street is a critical component. Although the City has momentum and the cleanup project has a high potential for success, it cannot be accomplished without USEPA funding.

Utica is a small city of 60,635 in the center of upstate New York. It is the Oneida County Seat and the largest city in the Mohawk Valley Region. Located at Exit 31 of the New York State Thruway, Utica is within a four hour drive of every major city in New York State. Incorporated as the Village of Utica in 1798, the community blossomed with the success of the Erie Canal and the network of railroads. Utica became global textile powerhouse with 19 large knitting mills, and by the mid-1900s, was a booming metals and electronics manufacturing hub. A pure rustbelt city, Utica became plagued by environmental contamination and economic disinvestment, hastened by a manufacturing exodus and suburban sprawl.

Poverty rates in the City of Utica are alarmingly high and continue to climb. In 2000 the poverty rate was 24%; it is currently 32.2% including 23,828 working poor. City planners and community leaders believe that neighborhoods adversely affected by brownfields are a driver of this abhorrent trend, and will only enable greater poverty and disinvestment. US EPA funding will catalyze a concerted effort to reclaim a critical blighted parcel in the City's urban core.

The City's proposed site is 1712 Erie Street, known as the former Mele Manufacturing Site, which sits in a strategic location along a much-trafficked corridor with high development potential. It occupies Oneida County Census Tracts 214.02. This tract is in the City's Community Development Block Grant (CDBG) Target Area, as well as the recently-designated Community Development Financial Institution (CDFI) Target Area. The CDFI was established in 2017 to target financial assistance to historically underrepresented populations, small businesses, and women and minority owned enterprises. This is one of the City's many strategic efforts to spur greater investment in a historically disenfranchised area. Revitalization of the City's urban brownfields, particularly the Erie Street site, is critical to success. This cannot be accomplished without US EPA funding.

Following decades of decline, there is finally a growing energy in the City. Private investors have reclaimed vacant mill buildings and converted them to mixed use buildings. The area's colleges and universities have established a presence downtown. Young professionals are repatriating the City, and immigrants and refugees are helping to rebuild our neighborhoods. State and federal agencies are beginning to invest in the city not just because of need; but because there is tremendous potential and an honest, committed grassroots movement in the community to take control of their future.

##### **1.a.2 Description of the Brownfield Site**

1712 Erie Street is located adjacent to the Oriskany Street Corridor, home of the original Erie Canal. One of the oldest mixed-use districts in the City of Utica, the Corridor was historically characterized by a vibrant mix of residents, manufacturers, and entrepreneurs. The 5.3 acre site gently slopes south to north, from Erie Street



to Oriskany Street. The remains of railroad bed and limestone blocks suggest the site's northern boundary consisted of the Erie Canal wall. Historic land uses range from knitting to small manufacturing.

Currently the site is vacant, sparsely vegetated, and blighted by rubble and remnants of old building foundations. It is approximately 900 feet from the Mohawk River and is not in a federally-designated floodplain. Recognized Environmental Concerns and known contaminants include: VOCs, acetone, SVOCs, PAH compounds, metals, petroleum, and chlorinated solvents. Phase 1 ESA was completed in 2014, followed by Phase 2 ESA in 2016, and a Supplemental Subsurface Investigation in 2017. All confirm that contamination is widespread throughout the five acre site.

The contamination levels exceed the New York State Department of Environmental Conservation (NYS DEC) Soil Cleanup Objectives (SCOs) for unrestricted use. However, there are limited instances in which the contamination exceeds SCOs for commercial/industrial use. The areas of greatest concern are well-defined and documented. Pervasive groundwater contamination suggests the need for on-site treatment and long-term monitoring. The City has developed and is prepared to implement a proposed remedial action and monitoring plan.

### **1.b. Revitalization of the Target Area**

#### **1.b.i. Redevelopment Strategy and Alignment with Revitalization Plans**

The redevelopment objective for the Erie Street site is a flex-industrial and commercial campus to accommodate growing demand from businesses seeking to relocate, small businesses looking to expand, and entrepreneurial start-ups. Community-driven planning, market demand, and regional influences validate the City's eagerness to redevelop the site.

The Erie Street site is a contributing factor to blight, vacancy, and disinvestment in the neighborhood. It has excellent access and tremendous visibility, making it one of the highest profile brownfields in the City. It is a critical component to the City's overall redevelopment strategy. In 2011 the City adopted a neighborhood-based master plan that focused on adaptive reuse, infrastructure modernization, and brownfield redevelopment.

In October 2014, the City completed a Brownfield Opportunity Area (BOA) Pre-nomination Study for the Central Industrial Corridor in order to begin the planning process required to transform the neighborhoods adversely affected by contaminated and blighted properties. One of the priority areas identified in the study is the Oriskany Street Corridor; the Erie Street site is within this district. Planning intensified in November 2014 with the Community Needs Assessment (CNA), a collaborative effort between The Department of Housing and Urban Development (HUD), Cornell University, and the City. The comprehensive assessment incorporated feedback from nine stakeholder roundtables and virtually collected data from City residents.

Goal 2 of the action plan identifies economic development as a priority. Specifically, to "fill vacancies, provide incentives for the adaptive reuse of buildings, and enhance and promote the quality of life amenities across all demographics and neighborhoods." The proposed plan for the Erie Street site fulfills this directive, and would engage the neighborhoods surrounding the site in brownfield remediation, infill, and reuse of previously blighted space; all in alignment with the City's redevelopment strategy.

With two major development projects underway, the Erie Street site must be prepared for an end-user. Mohawk Valley Health Systems (MVHS) announced the construction of a new downtown hospital in the City's urban core. The NEXUS Center, a sports complex leveraging \$44 million in public and private investment, will be adjacent to the Adirondack Bank Center at the Utica Memorial Auditorium, and directly across from the new hospital. Both

projects are less than a mile from the Erie Street site, and ideal location for a range of complementary businesses, whether commercial, hospitality, or medical office space.

The City has seen increasing demand for urban sites, both for new construction and adaptive reuse. As a follow-on to the environmental investigations, a limited strategic site development analysis and feasibility study was conducted in 2018 to determine redevelopment feasibility. The conceptual planning exercise confirmed that the Erie Street site could support up to four flex industrial buildings, ranging from 10,000-20,000 square feet.

#### **1.b.ii. Outcomes and Benefits of Redevelopment Strategy**

At a recent meeting with industry-specific site selectors, the partners noted the importance of having build-ready properties to sway potential businesses. Once clean-up is underway, the site can be marketed as a “virtual building,” akin to being able to start construction within a 60 day window. This type of asset is invaluable to the Oriskany Street Corridor, and increases the potential of the proposed project exponentially.

The Erie Street site is in close proximity to two major projects: the MVHS downtown hospital campus and the NEXUS Center. With these ventures in mind, the site must be poised to absorb the necessary support services required to sustain these projects. Once remediated, the Erie Street site is the most available, prominent buildable site, located along a bus line and within walking distance to both locations. Additionally, the site is situated among commercial/retail and light industrial enterprises, one of the only vacant properties on a densely populated road. When clean-up is complete, there will not be a lack of appropriate end-users.

Thoughtful, principled planning will be at the heart of any development proposal. The City has found that more than 90% of potential manufacturers and service providers eyeing relocation or expansion are currently in aging and inefficient buildings. Site redevelopment will prioritize projects that strive for energy efficiency, rooftop solar, and green infrastructure. The site works for rooftop solar, specifically, due to low building heights of adjacent properties, direct access to the power grid, and the absence of mature vegetation.

Residential neighborhoods in close proximity to the Erie Street site will be carefully considered. The Oriskany Street Corridor traverses West Utica, a long stigmatized section of the City that sits firmly in low-income census tracts. Mixed use development or flex industrial uses at the Erie Street site would be a boon to residents who often require more walkable opportunities to maintain employment. Additionally, Centro Bus services West Utica and the Oriskany Street Corridor, making the site accessible and thoroughly desirable for any employer looking for a local, built-in workforce. US EPA Clean-up funding would demonstrate to the residents and business community that there is hope for long-neglected sites and neighborhoods. Reclaiming this underdeveloped property is a meaningful way to stimulate economic development, as well as address blight, walkability, environmental justice, and new job opportunities for underserved populations.

#### **1.c. Strategy for Leveraging Resources**

##### **1.c.i. Resources Needed for Site Reuse**

There is no question that USEPA grant will be the catalyst for unlocking a trove of redevelopment resources and investor confidence. As is the story for so many of these high-profile urban brownfields, the City is stuck in a perpetual state of limbo. Additional funding for this site hinges entirely on the City’s ability to obtain US EPA Clean-up funding. Currently, no bank will finance a project on this site; local and state agencies are similarly risk-averse. The Clean-up Grant will provide the necessary funding for remediation and position the property for redevelopment.

Should the costs exceed current estimates, the City is eligible for the following remediation assistance:

- National Grid Brownfields Program: up to 25% of eligible expenses up to \$250,000
- NYS DEC Environmental Restoration Program (ERP): up to 90% of remedial investigation and 50% interim measures

The City intends to aggressively advance redevelopment, and will use the US EPA award to leverage state and local funding for new construction projects:

- RESTORE NY: up to \$2 million for site development, infrastructure, and new construction
- Consolidated Funding Application (CFA): up to 20% grant/tax credit funding for businesses
- Utica Industrial Development Corporation (UIDC): flexible gap financing for entrepreneurs, minority communities, and small manufacturers

With the funding, all of these resources are unlocked. Without it, none of them are available. We are fully aware of the highly-competitive nature of this funding; and the probability for success makes this project a strong contender.

#### **1.c.ii. Use of Existing Infrastructure**

Replete with existing infrastructure, there are no new infrastructure needs at the Erie Street site. All amenities are accounted for and will be available to any end user. Listed by utility and provider, they include:

- Water, Mohawk Valley Water Authority
- Sanitary sewer, Oneida County Sewer
- Natural gas and three-phase electric, National Grid
- High-speed fiber, Northland Communications
- High-speed cable/broadband, Spectrum

The site fronts primary public transportation and pedestrian routes. Sidewalks are present on both Erie and Oriskany Streets. Centro Bus provides public transportation.

## **2. COMMUNITY NEED AND COMMUNITY ENGAGEMENT**

### **2.a. Community Need**

#### **2.a.i. The Community's Need for Funding**

The City has reached its borrowing limit and cannot explore taxation as revenue. Urban sprawl and a high percentage of non-taxable property have conspired to make the City's combined property tax rate one of the highest in the nation. Residents and businesses pay \$65 per \$1,000 of assessed value. This number is projected to exceed \$69 per \$1,000 by 2021. Utica is the highest-taxed city in the Mohawk Valley Region, and one of the highest state-wide and nationally. Among those properties producing little to no tax revenue for the City are the 40 vacant or underutilized brownfield properties in the BOA Target Area. As a result, already-compromised neighborhood property values continue to decline, creating a negative feedback loop of disinvestment and decay. Every effort must be made to secure alternative funding sources in furtherance of the City's commitment to stimulate economic development and reinvigorate blighted properties.

The leadership is committed, the team is ready, the investigations are complete, and the remedial plan is ready to execute. The limiting factor is funding. What may seem like a small amount to larger metropolitan areas could mean the world for a small metro like Utica.

## **2.a.ii. Threats to Sensitive Populations**

### **2.a.ii.(1) Health or Welfare of Sensitive Populations**

The Erie Street site is a contributing factor to the deterioration of neighborhoods, health, and overall quality of life. The vacancy rate within the census tract is 16.2%, an obscene number for a neighborhood that is already characterized by low incomes, subsidized housing, and inadequate access to healthy food. One of the most prominent issues in the City, and within this census tract, is children's exposure to lead – a contaminant also present on the Erie Street site. Oneida County has the second highest incidence rate for high blood lead levels (BLLs) among all counties in New York State. In 2017, there were 259 children under the age of six with elevated BLLs, likely due to old housing stock and area contaminants.

### **2.a.ii.(2) Greater Than Normal Incidence of Disease and Adverse Health Conditions**

The health-related consequences of living in an older, industrial neighborhood with a legacy of contamination and disinvestment are dire, to say the least. Lead hazards are a major concern in the City's poorest neighborhoods, including West Utica, where 90% of housing was built before 1978. Deteriorated housing conditions and asthma triggers are commonly found in this area. Triggers include poor heating and ventilation, mold, and exposure to other environmental irritants, leading to increased emergency room visits and hospitalizations for acute asthma, absenteeism from school, and loss of work productivity for parents. For the entire Utica City School District, 28.4% of all students were chronically absent due to health-related issues. US EPA funding is an invaluable component in the City's efforts to restore the health of its neighborhoods. Remediating contamination in soils and groundwater will directly ensure a more healthful community, one acre at a time.

### **2.a.ii.(3) Economically Impoverished/Disproportionately Impacted Populations**

The Erie Street site sits in a census tract that is plagued by poverty. 33.6% of people in the tract live below the poverty line, and the trend is forecasting in the wrong direction. The City's total poverty rate is 32.2%, a number that does not reflect the disproportionate amount of people of color it affects. For a distressed neighborhood that has continually struggled with poverty, the value of the US EPA Clean-up Grant would be incalculable. Infill at the Erie Street site would not only address known health hazards, but would provide an opportunity for low-income residents to find employment within walking distance to their homes.

## **2.b. Community Engagement**

### **2.b.i. Community Involvement**

The City project team is prepared to execute the cleanup program at 1712 Erie Street, with committed resources and partnerships from multiple municipal, private, and not-for-profit organizations. Planning, remediation, civic engagement, and redevelopment. Local community partners that are committed to the project are as follows:

Partner Name	Point of contact (name, email, phone)	Specific role in the project
City of Utica	Brian Thomas <a href="mailto:bthomas@cityofutica.com">bthomas@cityofutica.com</a> (315) 792-0193	- project leader - director of City staff, consultants, and partners - coordinator for future redevelopment efforts and identifying end users
Utica Urban Renewal Agency (UURA)	Robert Palmieri, Mayor <a href="mailto:mayor@cityofutica.com">mayor@cityofutica.com</a> (315) 792-0193	- director of the Urban Renewal Agency - additional funding up to \$100,000 to fulfill cost share requirement - agent of property transfer during redevelopment - coordinator for future redevelopment efforts

Mohawk Valley EDGE	Christian Mercurio <a href="mailto:cmurcurio@mvedge.org">cmurcurio@mvedge.org</a> (315) 338-0393	- brownfields technical expertise - coordination of state and federal agencies - coordinator for financial resources & milestones - representative at EPA Brownfields Conference
National Grid	Brian Anderson <a href="mailto:Brian.anderson@us.ngrid.com">Brian.anderson@us.ngrid.com</a> (315) 428-5140	- POC for economic development programs - potential additional matching funds for costs that exceed original budget* <i>*contingent on EPA funding</i>
The Community Foundation of Herkimer and Oneida Counties	Alicia Dicks <a href="mailto:adicks@foundationhoc.org">adicks@foundationhoc.org</a> (315) 735-8212	- liaison to relevant community organizations - community outreach and engagement, focusing on public health and social justice - public participation during redevelopment efforts
Mohawk Valley Regional Economic Dev. Council	Allison Nowak <a href="mailto:Allison.nowak@esd.ny.gov">Allison.nowak@esd.ny.gov</a> (315) 793-2366	- coordinator for regional planning, support, and financial assistance for redevelopment through NYS CFA and RESTORE NY programs
NYS DEC	Peter Taylor <a href="mailto:Peter.taylor@dec.ny.gov">Peter.taylor@dec.ny.gov</a> (315) 785-2511	- clean-up oversight and assistance with application to NYS Brownfield Clean-up Program* - potential cost sharing for remedial investigation and IRMs through NYS ERP* <i>*contingent on EPA funding</i>
Utica Industrial Development Agency (UIDA)	Jack Spaeth <a href="mailto:jspaeth@cityofutica.com">jspaeth@cityofutica.com</a> (315) 792-0193	- assist businesses with sales and property tax abatement for new construction projects that create jobs within the City
BOA Steering Committee	Paul Romano <a href="mailto:Paul.romano@obg.com">Paul.romano@obg.com</a> (315) 956-6957	- proposed co-chair of BOA Steering Committee, guiding the scope of the planning study - heading planned redevelopment scenarios

## 2.b.ii. Incorporating Community Input

The success of the proposed project is dependent on the level of community support. The City and entire project team endeavors to carefully consider feedback, respond in a timely and thoughtful manner, and translate feedback into actionable items. The objective is to create a positive feedback loop between the project team, stakeholders, neighbors, and invested citizens. To that end, transparent, deliberative, and accessible mechanisms for public engagement are integral components to project success. The City plans to establish a platform whereby residents can engage through a website, social media, or directly text a number that alerts the project team of their input, and receive a response in real time. Residents should receive responses to their feedback within three business days.

On the analog side of the spectrum, public meetings will be scheduled from inception to completion. Meeting times will vary, to allow for residents who work irregular hours or third shift to participate in planning and give feedback. Proposed meetings include:

- Kickoff meeting, where the selected remedial alternative will be presented and discussed
- Quarterly updates, to provide progress updates on milestones, successes, new challenges and collect community feedback
- Ward/district meetings, where team members will speak about the project and obtain feedback
- BOA Steering Committee Meetings, where the newly-formed committee will regularly discuss vision, strategy, and opportunities in the target neighborhoods and regarding strategic brownfield sites

Feedback and input are lost unless thoughtfully considered and translated into action. Understanding that certain technical and statutory requirements are unlikely to change, the civic engagement team – led by Rust 2 Green – will work with community members to advise those components of the project in which critical input



can make a difference in planning and efficacy. For example, input on site history, neighborhood dynamics, and household routines can dramatically improve the logistics and scheduling of cleanup operations in order to have minimal impact on families and businesses in the neighborhood.

### **3. TASK DESCRIPTIONS, COST ESTIMATES, AND MEASURING PROGRESS**

#### **3.a. Proposed Cleanup Plan**

After careful analysis and evaluation of all clean-up scenarios, the preferred remedy is the most cost-reasonable and effective alternative. The comparative analysis considered the following factors: protection of human health, protection of the environment, short- and long-term effectiveness, permanence, cost-effectiveness, future land use, community vision, sustainable practices, conservation of resources, urban ecology, socioeconomic conditions, and the community's ability to finance the clean-up project. The Oneida County Health Department is prepared to participate in health monitoring for the site and adjacent neighborhoods. A New York State Department of Health (NYS DOH) representative will be assigned to the project once the City is accepted into the state's brownfield clean-up program. A table outlining the clean-up plan is as follows:

Contaminated media	Soils Clean-up method	Disposal requirements
VOCs & SVOCs	Dig & Haul; replace with clean	DEC-approved landfill.
Acetone	Dig & Haul; replace with clean	DEC-approved landfill.
PAH compounds	Dig & Haul; replace with clean	DEC-approved landfill.
Metals	Dig & Haul; replace with clean	DEC-approved landfill.
Petroleum	Dig & Haul; replace with clean	DEC-approved landfill.
Chlorinated solvents	Dig & Haul; replace with clean	DEC-approved landfill.

The majority of the contaminants listed above are also present in the groundwater. The practice proposed for groundwater remediation is a "pump & treat" system; using an upgradient treatment trench/injection gallery of molasses or anaerobic micro-emulsion as determined by final ABCA.

#### **3.b. Description of Tasks and Activities**

##### **3.b.i. Project Implementation**

The City of Utica, their consultants, and the Utica Urban Renewal Agency (UURA) have performed a thorough analysis and review of the clean-up alternatives. Identified tasks are eligible expenses and the approach is achievable in a reasonable time period. The City is taking a conservative, realistic approach; unrestricted SCOs are likely unattainable, and there will be no residential development on the site. The City's ultimate objective is to clean the site to commercial/industrial use standards and to bring the site to market in an expedient fashion. Substantial completion will be achieved within an 18-month time frame. At this time, there is no funding gap; if the project exceeds budget allowances, UURA has authorized up to \$100,000 in matching costs. National Grid has indicated they will provide up to an additional \$250,000.

The following is a detailed table of tasks and task leads for the life of the project:

Lead entity	Point of contact	Task/activity
City of Utica	Brian Thomas	- oversee staff, consultants, project partners
NYS DEC Region 6	Peter Taylor	- coordinate NYS DOH through the Brownfield Clean-up Program
City of Utica	Christopher Lawrence	- submit and obtain approval of Quality Assurance Project Plan

City of Utica and Mohawk Valley EDGE	Brian Thomas and Christian Mercurio	- enroll Erie Street site in NYS' Voluntary Clean-up Program (BCP)
NYS DEC Region 6	Peter Taylor	- certification that clean-up is complete
City of Utica	Brian Thomas	- coordination with local health agency on long-term monitoring activities

### 3.b.ii. Task/Activity Lead

Brian Thomas, AICP, Commissioner, City of Utica Urban & Economic Development will oversee and coordinate all staff, consultants, and project partners. The NYS DEC will coordinate NYS DOH through the BCP.

### 3.b.iii. Cost Share

The Utica Urban Renewal Agency has passed a resolution to provide up to \$100,000 for the remediation and restoration of the Erie Street site, pending award of US EPA Brownfield Clean-up funds. (See Exhibit M)

## 3.c. Cost Estimates and outputs

### 3.c.i. Cost Estimates

Costs were based on individual tasks, the type and extent of contamination, estimated quantity of material to be excavated/treated, the matter of treatment/disposal, site restoration and cover costs, and monitoring requirements. Below is a table of the project's proposed budget:

Budget					
Category	Remediation and site restoration	Cleanup planning, design & BCP	Community outreach & engagement	EPA training & programmatic activities	TOTAL
Personnel	-	-	-	-	-
Fringe Benefits	-	-	-	-	-
Travel	-	-	-	\$3,000	\$3,000
Equipment	-	-	-	-	-
Supplies	-	-	\$1,000	-	\$1,000
Contractual	\$422,000	\$25,000	\$2,000	\$3,000	\$452,000
Total Direct Costs	\$422,000	\$25,000	\$3,000	\$6,000	\$456,000
Indirect Costs	-	-	-	-	
Total Federal Funding	\$380,000				\$380,000
Cost Share	\$42,000	\$25,000	\$3,000	\$6,000	\$76,000
<b>Total Budget</b>	<b>\$422,000</b>	<b>\$25,000</b>	<b>\$3,000</b>	<b>\$6,000</b>	<b>\$456,000</b>

- Task 1 – Cleanup activities, including remedial investigation, soil removal, cover system, groundwater treatment system, CAMP, groundwater testing and monitoring, and restoration.
- Task 2 – Remedial design, cleanup planning, and application/reporting related to the NYS DEC Brownfield Cleanup Program
- Task 3 – Community Outreach & Engagement, including all materials, meeting supplies, notification/publishing costs, and contractual expenses.
- Task 4 – EPA grant administration, ACRES reporting, travel and registration for two (2) project team members to attend USEPA Brownfields Conference, travel to Albany for USEPA Interagency Roundtables

### 3.c.ii. Outputs

The ultimate outcome of the project is the protection of the environment and public health, and reinvesting in a highly marketable, desirable property for development.

The following is a table of outputs and outcomes:

Project output	Form of measurement/evaluation	Project outcome
Design remedial program	- Complete remedial program	Draft remedial program
Procure consultants/contractors	- RFI issued, consultants secure	Executed Contract
Develop ABCA documents	- ABCA documents approved by US EPA Region 2 and NYS DEC Region 6 officials	Approved ABCA and RAR
Design community engagement strategy	- Engagement meetings planned and advertised - Online platform for collecting feedback created and functional - phone number for text input established and functional	Participant feedback gathered, responded to, and incorporated into City plan for Erie Street site
Apply to NYS DEC Brownfield Clean-up program	- Application submitted to NYS DEC	Acceptance Letter for BCP and DEC Project Manager assigned
Obtain a Record of Decision (ROD)	- Draft PRAP/ROD and submit to NYS DEC and DOH	ROD Issued
File environmental easement with NYS DEC	- Environmental easement filed and accepted	Site Management Plan and Easement accepted & filed
Solicit proposals for end-user for Erie Street site that aligns with zoning, environmental easement restrictions, and community vision	- Negotiate with proposed end-user, develop incentive package, and shepherd the project through institutional approvals - Communicate and solicit feedback from stakeholders and community on proposed development option	Site Plan Approval New Construction of commercial/industrial building(s) on Oriskany Street Site Enhanced quality of life for surrounding neighborhoods and create new taxable value

### 3.d. Measuring Environmental Results

The project team members will each assume project tracking roles according to their areas of expertise, and are responsible to the Commissioner to ensure that the milestones are achieved and coordinated to the greatest extent possible. The budget includes the appropriate Community Air Monitoring Program and the project team will be working directly with the NYS DEC & DOH to ensure that BCP requirements are met and on schedule.

Mohawk Valley EDGE has been engaged contractually with the City of Utica specifically to keep the project on schedule, the consultants on task, and to solve problems encountered – and we know that there will be challenges along the way – in order to keep the project moving. MVEDGE, having vast experience in the coordination and management of complex projects and funding scenarios, will assist the City to ensure the timely, cost-efficient, and responsible expenditure of funds.

## 4. PROGRAMMATIC CAPABILITY AND PAST PERFORMANCE

### 4.a. Programmatic Capability

#### 4.a.i. Organizational Structure

The City of Utica's Urban and Economic Development Department will oversee the timely and successful expenditure of funds. The City has entered into a contractual relationship with Mohawk Valley EDGE to assist with fund administration, reporting, and grant management.

Key staff ensuring proper management and fiscal responsibility are outlined here:

Key staff	Affiliation and title	Area of expertise
Brian Thomas	City of Utica, Commissioner of Urban and Economic Development	Direction of staff, coordination of financial resources, agency compliance
Jack Spaeth	City of Utica, Economic Development Specialist Utica Industrial Development Agency, Executive Director	Business assistance for redevelopment, coordinating Payment In Lieu of Tax (PILOT) agreements for new construction, Business outreach
Christopher Lawrence	City of Utica, Senior Planner	Site planning, planning board, CDBG, Smart Growth planning
Christian Mercurio	Mohawk Valley EDGE, VP Planning and Development	Brownfield coordination, project management, agency coordination
Derek Crossman	Rust 2 Green Program Director	Community Engagement
Laura Cohen	Mohawk Valley EDGE, Project Manager	Grant administration and reporting; consultant procurement specialist

#### **4.a.ii Acquiring Additional Resources**

At the proposed funding level, US EPA Clean-up funding and dollars allocated by the UURA will be sufficient to fund the entire clean-up. Should the project go over budget, or if any supplementary contractors or sub-recipients be needed, the UURA is authorized to spend up to \$100,000. The City of Utica will work with the NYS Department of State to dedicate a component of the \$199,000 BOA planning grant to programming of this strategic BOA site. Additionally, The Community Foundation of Herkimer and Oneida Counties has expressed a willingness to entertain grant applications in furtherance of the project for up to \$100,000; The Foundation has been involved in or funded every major planning project in the City, including the 2018 City Parks master plan.

#### **4.b. Past Performance and Accomplishments**

##### **4.b.i. Currently Has or Previously Received an EPA Brownfields Grant**

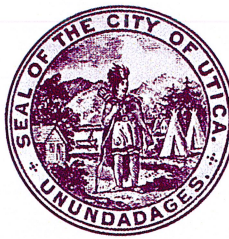
##### **4.b.i.(1) Accomplishments**

In 1998, the City of Utica was awarded a \$200,000 USEPA Brownfields Assessment Demonstration Pilot to complete Phase I & II ESAs on the Foster Paper Company Site, and subsequently a \$150,000 supplemental pilot grant for the Broad Street corridor. In 2001, the City of Utica was awarded an additional \$150,000 in supplemental assessment funding for the Goldbas, Durr Packing, and Schuyler Street sites.

##### **4.b.i.(2) Compliance with Grant Requirements**

Records indicate that all three projects were completed in accordance with EPA requirements, a total of \$500,000 in Brownfields Assessment Demonstration Pilot funding was spent.

Thank you for your consideration.



ROBERT M. PALMIERI  
CHAIRMAN

BRIAN THOMAS, AICP  
EXECUTIVE DIRECTOR

1 KENNEDY PLAZA  
UTICA, NEW YORK 13502  
PH. 315-792-0181  
FAX. 315-797-6607  
WWW.CITYOFUTICA.COM

# CITY OF UTICA

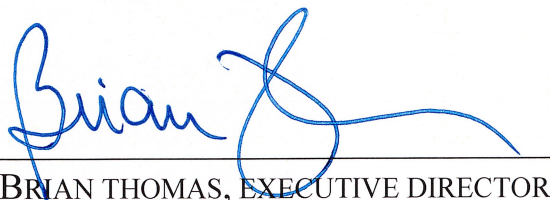
## URBAN RENEWAL AGENCY

### RESOLUTION

ON A MOTION BY DAVID FARINA, SECONDED BY COUNCILMAN ROBERT DESANCTIS AND UNANIMOUSLY APPROVED BY ALL VOTING BOARD MEMBERS, THE BOARD OF THE UTICA URBAN RENEWAL AGENCY AGREED TO COMMIT TO PROVIDE THE LOCAL MATCH TO THE CITY OF UTICA FOR A GRANT APPLICATION. THE APPLICATION WILL BE SUBMITTED TO THE UNITED STATES ENVIRONMENTAL AGENCY BY JANUARY 31<sup>ST</sup>, 2019. THE APPLICATION WILL BE SUBMITTED BY THE CITY OF UTICA, OF WHICH THE UTICA URBAN RENEWAL AGENCY IS A COMPONENT UNIT, AND WILL REQUEST UP TO \$500,000 IN FEDERAL FUNDING FOR THE REMEDIATION OF BROWNFIELD ISSUES AT 1712 ERIE STREET. THE AMOUNT OF MATCHING FUNDS REQUIRED FROM THE AGENCY WILL BE NO MORE THAN \$100,000.

I HEREBY CERTIFY THAT THE ABOVE RESOLUTION WAS APPROVED BY THE URBAN RENEWAL AGENCY BOARD AT THEIR MEETING ON JANUARY 24, 2019 AND ARE REFLECTED IN THE OFFICIAL MINUTES OF THE UTICA URBAN RENEWAL AGENCY AND ARE ON FILE IN THE UTICA URBAN RENEWAL AGENCY OFFICE, 1 KENNEDY PLAZA, UTICA, NY 13502

IN TESTIMONY WHEREOF, I HAVE SUBSCRIBED MY NAME, THIS 25<sup>TH</sup> DAY OF JANUARY, 2019



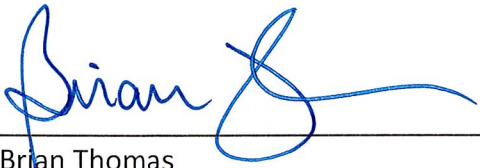
BRIAN THOMAS, EXECUTIVE DIRECTOR



## EXHIBIT A

### STATEMENT OF APPLICANT ELIGIBILITY

I hereby affirm and certify that the City of Utica is a municipality in Oneida County, incorporated as a City in 1832 under the laws of the State of New York, and eligible for funding under the FY19 USEPA Brownfields Cleanup Program.



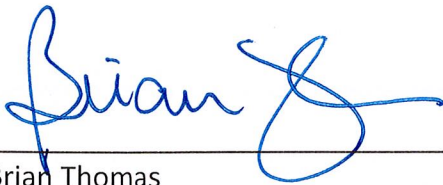
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Brian Thomas  
Commissioner of Urban & Economic Development  
City of Utica  
Oneida County, NY

## EXHIBIT B

### INFORMATION ON PREVIOUSLY-AWARDED CLEANUP GRANTS

I affirm and attest that the City of Utica has not been previously awarded EPA Cleanup Grant funds for the 1712 Erie Street site.



---

Brian Thomas  
Commissioner of Urban & Economic Development  
City of Utica  
Oneida County, NY

## EXHIBIT C

### SITE OWNERSHIP INFORMATION

I hereby affirm and certify that the City of Utica is the sole owner of 1712 Erie Street.

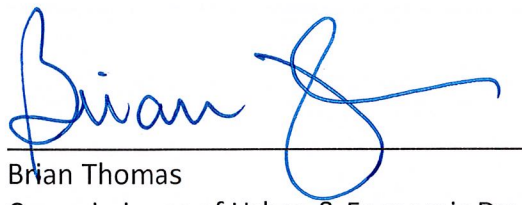
According to the City of Utica 2019 Tax Roll:

Property ID: 306.17-1-16

Owner: City of Utica

Acres: 5.3

Assessment: \$250,000

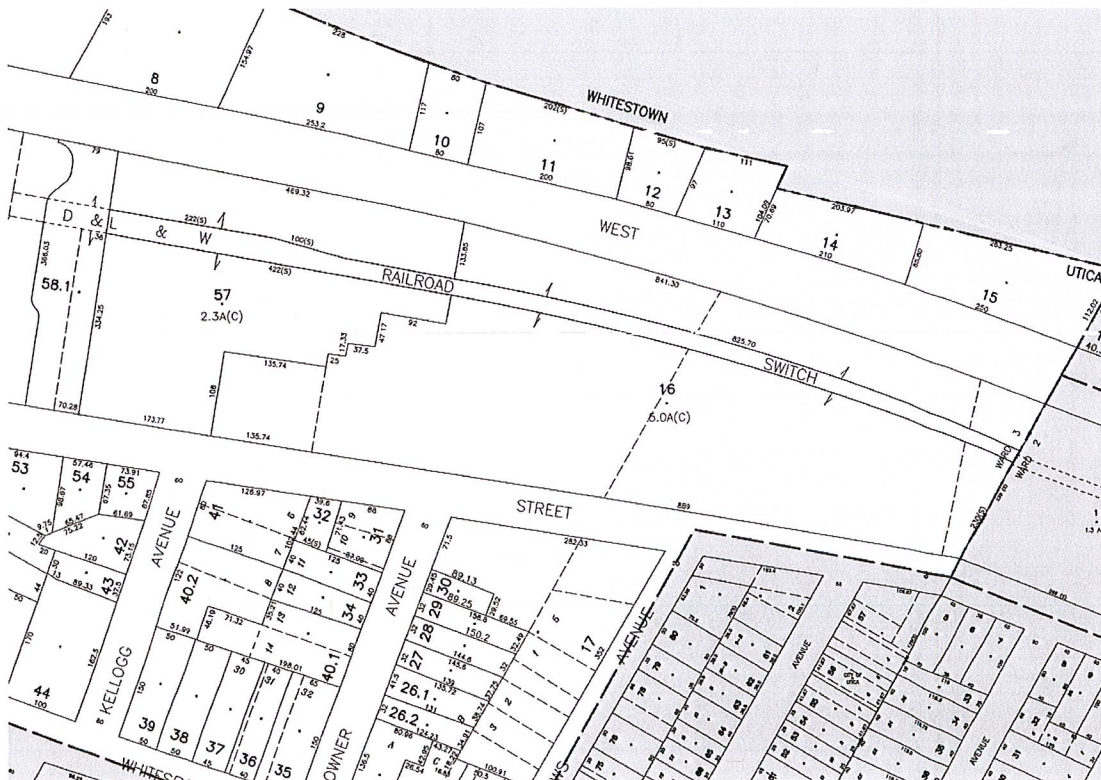


Brian Thomas

Commissioner of Urban & Economic Development

City of Utica

Oneida County, NY





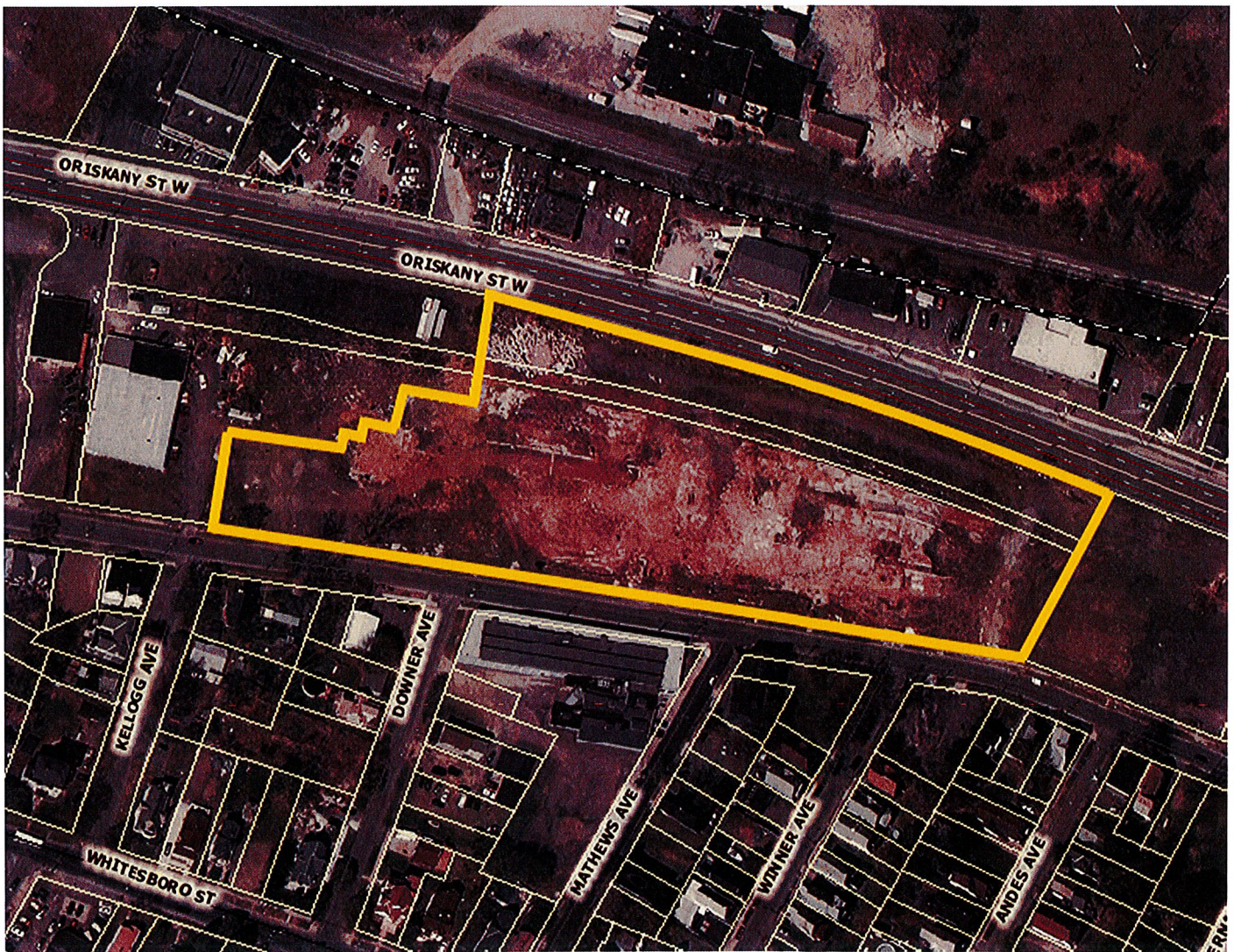
## EXHIBIT D

### BASIC SITE INFORMATION

**Site Name:** 1712 Erie Street

**Site Address:** 1712 Erie Street  
Utica, NY 13502

**Site Owner:** City of Utica, NY



## EXHIBIT E

### STATUS AND HISTORY OF CONTAMINATION OF THE SITE

- (a) **Petroleum or Hazardous substances?** This site is contaminated predominantly by hazardous substances.
- (b) **Historic Uses.** The site has historically been a knitting mill and apparel manufacturer from 1899 to 1960. In or around 1960, the site was re-tooled as a jewelry box manufacturer. The structures were demolished in 2010, and currently the site is vacant land.
- (c) **Environmental Concerns.** Phase II and Supplemental Subsurface Investigation has confirmed the presence of VOCs, SVOCs, PAHs, Chlorinated Compounds, Petroleum, and Metals in the soil and groundwater samples. Some of these areas exceed the Soil Cleanup Objectives and Groundwater Standards for commercial redevelopment.
- (d) **Origin, Nature, Extent of contamination.** Known history and subsequent investigations have led us to conclude that:
- Chlorinated compounds present in the soil and groundwater were likely the legacy of the former knitting mill and textile manufacturing processes.
  - The manufacture of jewelry boxes has led to the residual presence of metals, lubricants, and solvents.
  - A large Cistern was located on the property, which may have been a receptacle for waste discharges from various manufacturing processes.
  - The eventual filling of the original Erie Canal was filled with unknown materials in the late 19<sup>th</sup> Century, from which there exists little-to-no documentation.
  - It is also possible that there was a coal storage area on or adjacent to the site.

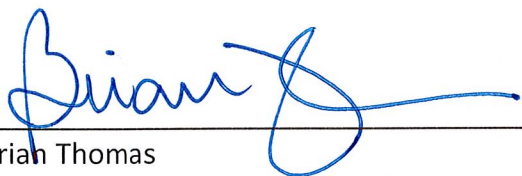


## EXHIBIT F

### AFFIRMATIVE STATEMENT THAT SITE MEETS THE DEFINITION OF A BROWNFIELD SITE

I affirm that the site meets the definition of a brownfield under CERCLA 101(39) as described in the Information on Sites Eligible for Brownfields Funding under CERCLA 104(k), and that the site:

- a) is not listed or proposed for listing on the National Priorities List;
- b) is not subject to unilateral administrative orders, court orders, administrative orders on consent; and
- c) is not subject to the jurisdiction, custody, or control of the U.S. Government



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Brian Thomas  
Commissioner of Urban & Economic Development  
City of Utica  
Oneida County, NY

**CERCLA<sup>1</sup> defines a “Brownfield Site” as:**

“...real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant.” Brownfield sites include residential, commercial, and industrial properties.

<sup>1</sup> CERCLA as amended by the Small Business Liability Relief and Brownfields Revitalization Act enacted in 2002 and the Brownfields Utilization, Investment, and Local Development (BUILD) Act enacted in 2018.

## EXHIBIT G

### DESCRIPTION OF THE ENVIRONMENTAL ASSESSMENT CONDUCTED AT THE SITE

The following Environmental Assessments have been completed for the 1712 Erie Street Site and conform to ASTM Standards for Environmental Site Assessments:

Assessment: Phase I ESA  
Date Completed: April, 2012  
QEP: GHD Consulting Engineers, LLC | Cazenovia, NY

Assessment: Phase II ESA\*  
Date Completed: December 2016  
QEP: Asbestos and Environmental Consulting Corporation (AECC)

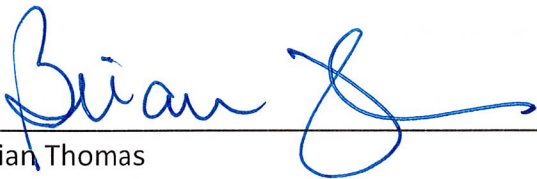
Assessment: Supplemental Subsurface Investigation  
Date Completed: December 2017  
QEP: Asbestos and Environmental Consulting Corporation (AECC)

*\*Written Phase II ESA completed in accordance with ASTM E1903-11 Standard*

## EXHIBIT H

### INFORMATION ON ENFORCEMENT OR OTHER ACTIONS

I affirm that, at the time of application for USEPA Brownfields Cleanup funding, the City of Utica is neither aware of, nor party to, any ongoing or anticipated environmental enforcement or other actions related to 1712 Erie Street site. Furthermore, the City of Utica has no information regarding any inquiries or orders from federal, state, or local government entities regarding the responsibility of any party for the contamination or hazardous substances at the site, including any liens.



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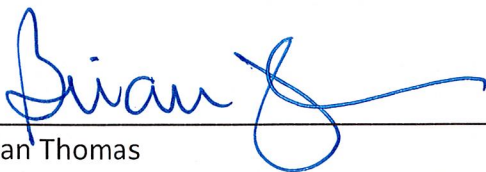
Brian Thomas  
Commissioner of Urban & Economic Development  
City of Utica  
Oneida County, NY

**EXHIBIT I****PROPERTY-SPECIFIC DETERMINATION:****AFFIRMATIVE STATEMENT THAT A DETERMINATION IS NOT REQUIRED**

I have reviewed the Information on Sites Eligible for Brownfield Funding under CERCLA 104(k) as well as the following:

- properties subject to planned or ongoing removal actions under CERCLA;
- properties with facilities that have been issued or entered into a unilateral administrative order, a court order, an administrative order on consent, or judicial consent decree or to which a permit has been issued by the United States or an authorized state under the Resource Conservation and Recovery Act (RCRA), the Federal Water Pollution Control Act (FWPCA), the Toxic Substances Control Act (TSCA), or the Safe Drinking Water Act (SDWA);
- properties with facilities subject to RCRA corrective action (§ 3004(u) or § 3008(h)) to which a corrective action permit or order has been issued or modified to require the implementation of corrective measures;
- properties that are land disposal units that have submitted a RCRA closure notification or that are subject to closure requirements specified in a closure plan or permit;
- properties where there has been a release of polychlorinated biphenyls (PCBs) and all, or part, of the property is subject to TSCA remediation; and
- properties that include facilities receiving monies for cleanup from the Leaking Underground Storage Tank (LUST) Trust Fund (see the [Information on Sites Eligible for Brownfields Funding under CERCLA § 104\(k\)](#) for a definition of LUST Trust Fund sites).
- properties that include facilities receiving monies for cleanup from the Leaking Underground Storage Tank (LUST) Trust Fund (see the [Information on Sites Eligible for Brownfields Funding under CERCLA § 104\(k\)](#) for a definition of LUST Trust Fund sites).

None of these conditions are applicable to the 1712 Erie Street Site, and I affirm that the site does not require a Property-Specific Determination.



Brian Thomas  
Commissioner of Urban & Economic Development  
City of Utica  
Oneida County, NY



**EXHIBIT J****PROPERTY OWNERSHIP ELIGIBILITY INFORMATION FOR HAZARDOUS SUBSTANCES SITES\***

The Phase II and Supplemental Subsurface Investigation report confirm that the site is contaminated with hazardous substances. The City of Utica is exempt from CERCLA liability based upon the following:

**(3) Property Acquired Under Certain Circumstances by Units of State and Local Government**

State and local units of government that acquired ownership or control of a property by any of the circumstances listed below and did not cause or contribute to any contamination at the property, are exempt from liability for any previous contamination at that property and, therefore, do **not** have to demonstrate that they meet the requirements of a CERCLA liability defense to be eligible for a Brownfields Grant. Such circumstances include:

- Seizure or in connection with any law enforcement activity;
- Bankruptcy;
- Tax delinquency;
- Abandonment; or
- Other circumstances where title to the property was acquired by virtue of the government's function as sovereign.

**The following will demonstrate that the City of Utica is exempt from CERCLA liability:**

**(a) Describe in detail the circumstances (from the list above) under which the property was acquired.**

The property was acquired by the City of Utica through tax foreclosure in July 2009.

**(b) Provide the date on which the property was acquired.**

The property was acquired on July 30, 2009

**(c) Identify whether all disposal of hazardous substances at the site occurred before you acquired the property and whether you caused or contributed to any release of hazardous substances at the site.**

All of the disposal of hazardous substances at 1712 Erie Street occurred before the City of Utica acquired the site; and the City of Utica did not contribute to any release of hazardous substances at the site.

**(d) Affirm that you have not, at any time, arranged for the disposal of hazardous substances at the site or transported hazardous substances to the site.**

I affirm that the City of Utica has not, at any time, arranged for the disposal of hazardous substances at the site or transported hazardous substances to the site.



Brian Thomas

Commissioner of Urban & Economic Development  
City of Utica, Oneida County, NY

*\*A determination has been made that the predominant contaminants on this site are hazardous substances, therefore the ownership eligibility information for petroleum sites is Not Applicable.*



COPY

CITY TAX DEED

THIS INDENTURE, made this 30<sup>th</sup> day of July, 2009 between Michael T. Cerminaro, City Comptroller of the City of Utica, whose principle office is located at Utica City Hall, 1 Kennedy Plaza, Utica, New York 13502, Grantor, and

The City of Utica, a municipal corporation having its principle offices at Utica City Hall, 1 Kennedy Plaza, Utica, New York 13502, Grantee

WITNESSETH, that the Grantor, pursuant to the provisions of Article Eleven, of the Real Property Tax Law of the State of New York, and pursuant to a Judgment of the Honorable Anthony F. Shaheen. duly made on the 27<sup>th</sup> day of July, 2009, and entered in the Office of the Clerk of the County of Oneida on the 27<sup>th</sup> day of July, 2009, in an action entitled: "in the Matter of Foreclosure of Tax Liens by Proceeding in Rem Pursuant to Article Eleven of the Real Property Tax Law by the City of Utica, Index No.: 2008-01563, and another Judgment of the Honorable Anthony F. Shaheen. duly made on the 27<sup>th</sup> day of July, 2009, and entered in the Office of the Clerk of the County of Oneida on the 27<sup>th</sup> day of July, 2009, in an action entitled: "in the Matter of Foreclosure of Tax Liens by Proceeding in Rem Pursuant to Article Eleven of the Real Property Tax Law by the City of Utica, Index No.: 2008-3094.

AND in consideration of One (\$1.00) DOLLAR lawful money of the United States paid by Grantee, does hereby grant and release unto the Grantee, in fee simple absolute, full and complete title pursuant to Real Property Tax Law Section 1136;

ALL those certain plots, pieces of parcels of land, together with the buildings thereon situate, lying and being in the City of Utica, County of Oneida and State of New York, which are designated by their respective tax map numbers on the Revised List of Delinquent Taxes attached hereto and made a part hereof, also known as "Schedule A",

TOGETHER with the appearances and all the estate and rights of the Grantor in and to said premises.

TO HAVE AND TO HOLD the above granted premises unto the Grantee, its successors and assigns forever.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal the 30<sup>th</sup> day of July, 2009.

ATTEST:

Jeanne M. Brennan  
City Clerk

By: Michael T. Cerminaro  
Michael T. Cerminaro  
Utica City Comptroller

APPROVED AS TO FORM:

John H. Brown  
1-26-09, Corporation Counsel

STATE OF NEW YORK )

SS:

COUNTY OF ONEIDA )

On the 30<sup>th</sup> day of July in the year 2009 before me, the undersigned, a Notary Public in and for said State, personally appeared Michael T. Cerminaro, Comptroller of the City of Utica, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Ronald L. MacMaster  
Notary Public  
My Comm. Expires: 12-31-09

RONALD L. MACMASTER  
Notary Public in The State of New York  
Appointed in Oneida County  
My Commission Expires 12-31-09

Schedule "A"  
Revised list of Delinquent Taxes  
2008-01563

SEPT. FORECLOSURE LIST

PARCEL	LOCATION	CURRENT OWNER
1 306.17-1-16	Erie St.	Utica Mills, LLC
2 306.17-1-51.1	2201 Erie St.	Shirley Scialdo
3 307.15-4-24	Tryon Rd.	Tryon County Developers
4 317.16-4-42	1432 Burrstone Rd.	Arthur Leavy
5 317.16-4-55	1413 Burrstone Rd.	Gladys Tarkowski
6 318.22-1-46	1710 Whitesboro St.	Chandara Pros
7 318.22-1-79	Mathews Ave.	Second Floor Realty
8 318.22-1-80	Mathews Ave.	Second Floor Realty
9 318.22-2-2	1532 Erie St.	Utica Mills, LLC
10 318.22-3-30	920 Churchill Ave.	Suzanne Tessay
12 318.23-3-28	1124 Whitesboro St.	Grace O'brien
13 318.23-3-46	1226 Whitesboro St.	Abby Collado
14 318.24-1-3	920 Haak Ave.	Charles Blum
15 318.24-1-20	11 Schuyler st.	Richard Richmond
16 318.29-1-46	1119 Kellogg Ave.	Edward Riley
17 318.31-1-38	700 Lenox Ave.	Johnnie Dingle
18 318.31-1-73	1130 Orchard St.	Jennifer Aguirre
19 318.31-2-48	603 Lenox Ave.	Small Business Svc. of S. Florida
20 318.32-1-1	1043 Erie St.	Martin Davis
21 318.32-1-72	13 Dewitt St.	Sophall Hang
22 318.39-1-26	938 Lenox Ave.	Richard Brown
23 318.40-4-38	946 Stark St.	Arthur Crippen, Jr.
24 318.41-1-34	610 Spring St.	Olah Hunter
25 318.41-2-54	519 Columbia St.	Albert Zeina
26 318.47-4-29	1304 Lenox Ave.	Keith Hellinger
27 318.48-2-48	709 Stevens St.	Shane Berge
28 318.48-2-53	950 Fay St.	Shane Berge
29 318.49-1-13	507 Roberts St.	Chester Jackson
<del>30 318.51-1-10</del>	<del>108 Bleecker St.</del>	<del>Greater Utica Community</del>
31 318.55-1-43	1002 Noyes St.	Flora Atwater
32 318.56-1-51.1	1247 Lincoln Ave.	Agueda Calle
33 318.56-3-9	1301 Lincoln Ave.	Destiny Ventures, LLC
34 318.60-2-82	Lansing St.	Michael L. Austin
35 318.60-2-83	517 Lansing St.	Michael L. Austin
36 318.63-3-7	721 Oswego St.	Judi Ann DeBella
37 318.63-4-17	814 Shaw St.	Edwin Tejada
38 318.64-1-32	708 Chestnut St.	Jesse R. Buckley
40 318.66-1-38	1107 Linwood place	Fabian Rivera
41 318.66-2-28	1206 West St.	George Lester
42 318.66-2-29	1208 West St.	Jessee Patterson
43 318.66-2-31	1212 West st.	Jessee Patterson
44 318.66-2-43	1137 Steuben St.	Timothy Klotz
45 318.67-2-58	1024 Dudley Ave.	Church of the Open Door Ministry
46 318.68-1-41/2	Lansing St.	Srey Chanthay
47 318.73-3-77	127 Gold St.	Wilbert Hammond
48 318.73-3-78	125 Gold St.	Wilbert Hammond
49 318.74-2-53	316 Leah St.	Timothy Klotz
50 318.74-4-10	1300 West St.	Francisco Pineda
51 318.81-2-31	1529 West St.	Mario Tirado

## EXHIBIT K

### DESCRIPTION OF CLEANUP AUTHORITY AND OVERSIGHT STRUCTURE

**Technical Expertise and Oversight.** Upon successful award of the USEPA Cleanup funding, the City of Utica will enter into the NYS DEC Brownfield Cleanup Program (BCP – a voluntary cleanup program).

**Brownfield Cleanup Agreement.** All parties must sign a Brownfield Cleanup Agreement (BCA) whereby the Applicant makes a commitment to undertake remedial activities under DEC's oversight. The obligations of an Applicant under a BCA depend upon whether the Applicant is accepted into the BCP as either a Volunteer or a Participant. The City of Utica would be considered a Volunteer – an applicant who is not liable for disposal of hazardous waste or discharge of petroleum at the site.

**BCP Reporting Requirement.** All environmental investigation and cleanup activity must be performed in accordance with Work Plan or design documents approved by DEC. Reports documenting the completion of all work must be submitted to DEC for approval in order to receive a Certificate of Completion. The documents are typically prepared by the Applicant's engineering consultant, and require certification by either a Qualified Environmental Professional (QEP) or a Professional Engineer (PE) registered in New York State.

**Citizen Participation.** To facilitate the remedial process and enable citizens to participate more fully in decisions that affect their health, the DEC will require opportunities for citizen involvement and will encourage consultation with the public early in the process.

A Citizen Participation Plan which provides details on the citizen participation activities that will occur at several milestones during a BCP project must be submitted within 20 days of the executed Brownfield Cleanup Agreement and must be approved by DEC before any other work plans/reports can be approved. The handbook provides details of the requirements of the citizen participation program for the BCP.

**Remedy Selection.** The selection of remedy is based on the characterization of nature and extent of contamination on the site and qualitative exposure assessment. A Participant in the Brownfield Cleanup Program must evaluate and implement an effective remedy that addresses not only contamination on-site but any contamination that has migrated off-site. A Volunteer in the Brownfield Cleanup Program must evaluate and implement an effective remedy to address the contamination on-site as well as prevent further migration of contamination to off-site properties.

The Remedial Alternatives Analysis Report identifies one or more remedial alternatives and evaluates the effectiveness of each alternative with respect to the remedy selection evaluation criteria as presented in 6 NYCRR Part 375 and DER-10. Remedies in the BCP are selected from four cleanup:

- **Track 1** - no restrictions on the use of the property;
- **Track 2** - restricted use with generic soil cleanup objectives (SCOs) based on the intended use of the property-residential, restricted residential (single family houses not allowed), commercial, or industrial;
- **Track 3** - restricted use with modified SCOs based on the same uses described in track 2 above;
- **Track 4** - restricted use with site-specific soil cleanup objectives, where the shallow exposed soils must meet the generic SCOs used for track 2 above.

Once a remedy has been proposed, a fact sheet will be issued noticing the availability of the Remedial Work Plan (Remedial Alternatives Analysis or Remedial Action Work Plan) and presenting the proposed remedy for a 45-day public comment period. DEC will consider the public comments for final remedy selection, have the applicant revise the plan as necessary, and issue a final Decision Document which describes the selected remedy. The applicant(s) may then design and perform the cleanup action to address the site contamination, with oversight by DEC and the NYS Department of Health.

**Certificate of Completion.** DEC issues a Certificate of Completion at the completion of a BCP project and upon a determination that the remedial action objectives for the BCP site as defined in the Decision Document have been achieved. A Certificate of Completion allows the Applicant to receive a limitation of liability to the State of New York which applies to contamination identified by the remedial program. In addition, a Certificate of Completion makes the Applicant eligible to apply for BCP Tax Credits. The tax credits for individual sites may vary depending on when the site was accepted into the BCP.

**Competitive Purchasing.** Recognizing the absolute necessity of qualified experts required for a successful cleanup, the City of Utica will prepare a Request for Proposals (RFP) for Qualified Environmental Engineering and/or Consulting Firm in accordance with *2 CFR 200.317 through 200.326* to ensure that this technical expertise is in place prior to beginning cleanup activities.

The City of Utica is a diverse community, with a growing refugee population and an increasingly entrepreneurial culture. As a community, we directly solicit and encourage the participation of minority-owned, women-owned, and immigrant-owned enterprises.

**Accessibility and Impact on Neighboring Properties.** Fortunately, the structures on this site have long-since been demolished, and the site is accessible from Erie Street, Oriskany Street, and a service drive. We foresee little to no impact on neighboring properties.

With DEC oversight comes the additional assurance that the public and adjacent property owners are informed at each step along the way. Direct mailings and neighborhood meetings will continue to inform neighbors and stakeholders of the planned and ongoing cleanup activities. The City of Utica will coordinate with the Ward Councilor.

If it becomes necessary to install monitoring wells on adjacent property to pinpoint the origin of the groundwater point source contaminant, the City of Utica will request a temporary access agreement to perform the installation and to fulfill any long-term monitoring obligations.

# EXHIBIT L

## COMMUNITY NOTIFICATION DOCUMENTS

### DRAFT ANALYSIS OF BROWNFIELD CLEANUP ALTERNATIVES (ABCA)

#### INTRODUCTION AND BACKGROUND

**Site Location:** 1712 Erie Street | City of Utica | County of Oneida | State of New York

**Previous Uses of the Site.** The first major recorded development of the site began in 1899, when the Utica Knitting Mill was constructed. Since then, the predominant uses of the site include textile and apparel manufacturing; until around 1961, when the facility was retooled for the manufacturing of jewelry boxes.

**Site assessment findings summary.** Extensive site investigation has been performed, and has confirmed the presence of VOCs, Acetone, SVOCs, PAHs, and Heavy Metals in the soil and a high concentration of chlorinated solvents in the groundwater.

**Project goal/reuse plan.** The City of Utica envisions the 5.3-acre site being redeveloped as a micro-commercial/industrial campus for small business expansion and entrepreneurial growth to support downtown development projects and create local employment opportunities.

#### APPLICABLE REGULATIONS AND CLEANUP STANDARDS

**Discussion of the Cleanup Oversight Responsibility:** Upon successful award of the USEPA Cleanup funding, the City of Utica will enter into the NYS DEC Brownfield Cleanup Program (BCP – a voluntary cleanup program).

**Brownfield Cleanup Agreement.** All parties must sign a Brownfield Cleanup Agreement (BCA) whereby the Applicant makes a commitment to undertake remedial activities under DEC's oversight. The obligations of an Applicant under a BCA depend upon whether the Applicant is accepted into the BCP as either a Volunteer or a Participant. The City of Utica would be considered a Volunteer – an applicant who is not liable for disposal of hazardous waste or discharge of petroleum at the site.

**BCP Reporting Requirement.** All environmental investigation and cleanup activity must be performed in accordance with Work Plan or design documents approved by DEC. Reports documenting the completion of all work must be submitted to DEC for approval in order to receive a Certificate of Completion. The documents are typically prepared by the Applicant's engineering consultant, and require certification by either a Qualified Environmental Professional (QEP) or a Professional Engineer (PE) registered in New York State.

**Citizen Participation.** To facilitate the remedial process and enable citizens to participate more fully in decisions that affect their health, the DEC will require opportunities for citizen involvement and will encourage consultation with the public early in the process.

A Citizen Participation Plan which provides details on the citizen participation activities that will occur at several milestones during a BCP project must be submitted within 20 days of the executed Brownfield Cleanup

Agreement and must be approved by DEC before any other work plans/reports can be approved. The handbook provides details of the requirements of the citizen participation program for the BCP.

**Remedy Selection.** The selection of remedy is based on the characterization of nature and extent of contamination on the site and qualitative exposure assessment. A Participant in the Brownfield Cleanup Program must evaluate and implement an effective remedy that addresses not only contamination on-site but any contamination that has migrated off-site. A Volunteer in the Brownfield Cleanup Program must evaluate and implement an effective remedy to address the contamination on-site as well as prevent further migration of contamination to off-site properties.

The Remedial Alternatives Analysis Report identifies one or more remedial alternatives and evaluates the effectiveness of each alternative with respect to the remedy selection evaluation criteria as presented in 6 NYCRR Part 375 and DER-10. Remedies in the BCP are selected from four cleanup:

- **Track 1** - no restrictions on the use of the property;
- **Track 2** - restricted use with generic soil cleanup objectives (SCOs) based on the intended use of the property-residential, restricted residential (single family houses not allowed), commercial, or industrial;
- **Track 3** - restricted use with modified SCOs based on the same uses described in track 2 above;
- **Track 4** - restricted use with site-specific soil cleanup objectives, where the shallow exposed soils must meet the generic SCOs used for track 2 above.

Once a remedy has been proposed, a fact sheet will be issued noticing the availability of the Remedial Work Plan (Remedial Alternatives Analysis or Remedial Action Work Plan) and presenting the proposed remedy for a 45-day public comment period. DEC will consider the public comments for final remedy selection, have the applicant revise the plan as necessary, and issue a final Decision Document which describes the selected remedy. The applicant(s) may then design and perform the cleanup action to address the site contamination, with oversight by DEC and the NYS Department of Health.

**Certificate of Completion.** DEC issues a Certificate of Completion at the completion of a BCP project and upon a determination that the remedial action objectives for the BCP site as defined in the Decision Document have been achieved.

A Certificate of Completion allows the Applicant to receive a limitation of liability to the State of New York which applies to contamination identified by the remedial program. In addition, a Certificate of Completion makes the Applicant eligible to apply for BCP Tax Credits.

**Cleanup standards for major contaminants.** For a full listing of SCOs and Groundwater Standards, see CP-51 at <https://www.dec.ny.gov/regulations/2393.html> . The applicable cleanup standards for this Site are:

- Unrestricted Soil Cleanup Objectives: 6 NYCRR 375, Table 375-6.8(a) and/or the lowest of the three values for protection of groundwater, ecological resources, and public health as presented in 6 NYCRR 375, Table 375-6.8(b)
- Restricted Soil Cleanup Objectives: 6 NYCRR 375, Table 375-6.8(b) and NYSDEC Soil Cleanup Guidance Policy 51 Tables 1, 2, and 3
- Groundwater: groundwater effluent (Class GA) guidance value or standard per NYSDEC Technical and Operational Guidance Series (1.1.1)

Prior investigations have identified several contaminants that were detected at concentrations exceeding their respective cleanup standards. The cleanup standards for these contaminants are presented in the table below:

Cleanup Standards for Major Contaminants					
Category	Compound	CAS Number	Unrestricted SCO (ppm)	Commercial SCO (ppm)	Groundwater Standard (ppb)
<b>VOCs</b>	Acetone	67-64-1	0.05	500	50
	Benzene	71-43-2	0.06	44	1
	cis-1,2-Dichloroethene	156-59-2	0.25	500	5
	trans-1,2-Dichloroethene	156-60-5	0.19	500	5
	1,1,1-Trichloroethane	71-55-6	0.68	500	5
	Trichloroethene	79-01-6	0.47	200	5
	Vinyl Chloride	75-01-4	0.02	13	2
	Naphthalene	91-20-3	12	500	10
	Xylenes (Total)	95-47-6 108-38-3 106-42-3	0.26	500	5
<b>SVOCs</b>	Benzo(a)pyrene	50-32-8	1	1	Non-detect
	Benzo(a)anthracene	56-55-3	1	5.6	NS
	Benzo(b)fluoranthene	205-99-2	1	5.6	0.002
	Benzo(k)fluoranthene	207-08-9	1.7	56	0.002
	Benzo(g,h,i)perylene	191-24-2	100	500	NS
	Dibenzo(a,h)anthracene	53-70-3	0.33	0.56	NS
	Indeno(1,2,3-cd)pyrene	193-39-5	0.5	5.6	0.002
	2-Methylnaphthalene	91-57-6	0.41	NS	NS
	Chrysene	218-01-9	1	56	0.002
<b>METALS</b>	Lead	7439-92-1	63	1000	50
	Mercury	7439-97-6	0.18	2.8	1.4
	Arsenic	7440-38-2	13	16	50
	Chromium*	7440-47-3	1 / 30	400 / 1500	100
	Selenium	7782-49-2	3.9	1500	20

\* = The SCOs for chromium are represented as "hexavalent chromium / trivalent chromium"



## Laws and regulations that are applicable to the cleanup.

### Index of Standards, Criteria and Guidance (SCGs) for Investigation and Remediation of Inactive Hazardous Waste Disposal Sites <http://www.dec.ny.gov/regulations/61794.html>

The Division of Environmental Remediation (DER) performs environmental investigations and cleanup of Inactive Hazardous Waste Disposal Sites in accordance with the appropriate, relevant, and applicable requirements. This includes DER's regulations and guidance documents as well as regulations and guidance from other divisions within the New York State Department of Environmental Conservation, other State Agencies and Departments and external agencies such as the U.S. Environmental Protection Agency (USEPA) and the Occupational Safety and Health Agency (OSHA).

This page lists some of the Standards, Criteria and Guidance documents used in the remediation program. You can scroll through the entire list or click on a particular Division or Department on the bookmarks in the "On This Page" section to the right to find that Division's or Department's particular guidance and regulation(s) that applies to the New York State Remedial Program.

SCG Document	Description
<u>Remedial Guidance and Policy Documents</u>	Includes a listing of DER guidance.
<u>6 NYCRR Part 364 - Waste Transporters</u>	Waste transporter permit requirements
<u>6 NYCRR Part 370 - Hazardous Waste Management System: General</u>	Definitions of terms and general standards applicable to Parts 370-374 & 376
<u>6 NYCRR Part 371 - Identification and Listing of Hazardous Wastes</u>	Hazardous waste determinations
<u>6 NYCRR Part 372 - Hazardous Waste Manifest System and Related Standards for Generators, Transporters and Facilities</u>	Manifest system and record keeping, certain management standards
<u>6 NYCRR Subpart 374-1 - Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities</u>	Requirements for recyclable materials, hazardous waste burned for energy recovery, used oil burned for energy recovery, precious metal recovery, spent lead acid battery reclamation
<u>6 NYCRR Subpart 374-2 - Standards for the Management of Used Oil</u>	Regulates the management of used oil
<u>6 NYCRR Subpart 373-2 - Final Status Standards for Owners and Operators of Hazardous Waste Treatment Storage and Disposal Facilities</u>	Hazardous waste management standards (e.g., contingency plan; releases from SWMUs; closure/post-closure; container/management; tank management; surface impoundments; waste piles; landfills; incinerators; etc.)
<u>6 NYCRR Subpart 373-3 - Interim Status Standards for Owners and Operators of Hazardous Waste Facilities</u>	Similar to 373-2
<u>6 NYCRR Part 375 - Environmental Remediation Programs</u>	Requirements regarding remedial programs, private party programs, state funded programs, state assistance to municipalities
<u>6 NYCRR Part 376 - Land Disposal Restrictions</u>	Identifies hazardous waste restricted from land disposal defines land disposal

SCG Document	Description
6 NYCRR Part 360 - Solid Waste Management Facilities	Solid waste management facility requirements landfill closures; C&D landfill requirements; used oil; medical waste; etc.
6 NYCRR Subpart 373-4 - Facility Standards for the collection of household hazardous waste and hazardous waste from conditionally exempt small quantity generators	Hazardous waste management standards collection of household hazardous waste hazardous waste from conditionally. except small quantity generators

SCG Document	Description
Technical and Operational Guidance Series (TOGS)	Includes a listing of DOW guidance including TOGS 1.1.1 Ambient Water Quality Standards and Guidance Values and Groundwater Effluent Limitations.
6 NYCRR Part 702.15(a), (b), (c), (d), (e) & (f)	Empowers NYSDEC to apply and enforce guidance where there is no promulgated standard
6 NYCRR Part 700-706 - NYSDEC Water Quality Regulations for Surface Waters and Groundwater	700 - Definitions, Samples and Tests; 701 - Classifications Surface Waters and Groundwaters; 702 - Derivation and Use of Standards and Guidance Values; 703 - Surface Water and Groundwater Quality Standards and Groundwater Effluent Standards
6 NYCRR Part 750-757 - Implementation of NPDES Program in NYS	Regulations regarding the SPDES program

SCG Document	Description
10 NYCRR Part 5 - Public Water Supplies	Includes appendix 5-A Recommended Standards for Water Works and Appendix 5-B Standards for Water Wells.
Guidance for Evaluating Soil Vapor Intrusion in New York	For use in exposure assessments for vapor intrusion
Chemicals in Sports Fish and Game	Advisories of eating sportfish and game due to chemicals at levels of concern
10 NYCRR Part 170 - Sources of Water Supply	Protecting public water supplies
Health and Safety in the Home, Work Place or Outdoors	Includes guidance on indoor air, lead, radon, etc.

## EVALUATION OF CLEANUP ALTERNATIVES

- See attached Remedial Alternatives Analysis prepared by AECC



January 23, 2019

Mr. Brian Thomas  
Commissioner  
City of Utica - Department of Urban & Economic Development  
1 Kennedy Plaza  
Utica, New York 13502

**RE: Remedial Alternatives Analysis & Cost Estimate  
Former Mele Manufacturing Site - 1712 Erie Street, Utica, New York  
AECC Project Number: 19-011**

Dear Mr. Thomas:

The Asbestos & Environmental Consulting Corporation (AECC) has prepared a remedial alternatives analysis and cost estimate for the former Mele Manufacturing site, located at 1712 Erie Street, in the City of Utica, New York (the Site).

We understand that Mohawk Valley Edge (MV Edge) is preparing an application for a United States Environmental Protection Agency (USEPA) Brownfield Grant on behalf of the City of Utica. To support this effort, AECC was contracted to provide an analysis of remedial alternatives for investigation and remediation activities associated with known contamination at the Site.

## **Document Review**

AECC reviewed several documents pertaining to the referenced Site as the basis for preparing this report, namely:

- GHD Consulting, 2012, Phase I Environmental Site Assessment (ESA)
- AECC, 2016, Limited Phase II Environmental Site Assessment
- AECC, 2017, Supplemental Subsurface Investigation (SSI)

The Site (property tax map ID Number: 306.17-1-16) is generally a rectangular-shaped 5-acre parcel (Figure 1). The Site lies between Oriskany and Erie Streets and is currently vacant. The northern edge of the site slopes steeply down to a DL&W Railroad right-of-way (ROW) easement (per the City of Utica tax map) immediately south of Oriskany St. The rail ROW coincides with limestone blocks which are likely the historic remains of the southern wall of the former Old Erie Canal (prior to its relocation north).

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The Site is in a mixed commercial–residential area:

- North - Automotive repair shops
- South - Commercial (auto body repair and detailing business) and residential properties
- East - Auto parts store, which used to be a vacant lot and former industrial building
- West - Automotive repair facility and vacant lot.

*Phase I ESA Report*

In 2012, GHD Consulting Engineers, LLC (GHD) prepared a Phase I ESA and identified the following:

- Recognized Environmental Conditions (RECs)
  - 1) Underground Storage Tank (UST)—NYSDEC registration records identify a 20,000-gallon UST on-site, with an unknown location
  - 2) Brownfield—the site is a USEPA brownfield site
  - 3) Unauthorized Use—the property is vacant with uncontrolled access, and evidence of unauthorized dumping of unknown refuse
  - 4) Unknown Structure—GHD identified an apparent man-way on the Site's northeastern corner, with void into the sub-surface
  - 5) Unknown Pipes—GHD identified several exposed pipes along a building footprint on the northeast side of the site
  - 6) Sub-Slab Pipe and Potential Structure—GHD also identified a sub-slab pipe in the same northeastern area
- Historical RECs (HRECs)
  - 1) Historic Industrial Use—a former knitting mill; industrial use of the site for more than 100 years with unknown solvent and chemical use, and suspect historical waste management practices
  - 2) Erie Canal—the canal formerly extended along the northern portion of the Site, with a “harbor” area at the northwest corner of the site
  - 3) Cistern—proximal with the former canal harbor area
  - 4) Coal Storage—coal storage area in the western side of the Site

*Phase II Limited ESA Report*

In 2016, AECC's limited investigation included five (5) surface soil samples, installation of nineteen (19) borings (and collection of six [6] sub-surface soil samples), sampling of two (2) soil piles, and conversion of four (4) borings (SB-1, SB-4, SB-10, and SB-13) into temporary monitoring wells. AECC sought to identify and clarify the nature of the RECs identified during the Phase I ESA. Figure 1 shows the location of the various sampling, boring, and well locations.

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City of Utica, Dept. of Urban & Economic Development  
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AECC presented the following conclusions:

- Confirmation of the removal of the suspect UST by review of the tank closure report and closure of the spill number file in the NYSDEC files.
- Some soils at the site have residual SVOCs and metals requiring management and proper disposal during any future redevelopment activities.
- Free product (oil) is present in the area of TW-3.
- Groundwater from TW-2 contained high concentrations (greater than NYSDEC TOGS standards) of chlorinated solvents (Trichloroethene, cis-1,2-Dichloroethene, trans-1,2-Dichloroethene, 1,1,1-Trichloroethane, and Vinyl Chloride).
- The source of the chlorinated solvents in Site groundwater may be either on-site or further upgradient (to the south of Erie St.).
- Surface soils in the northwestern corner and eastern portion of the Site exhibit concentrations of PAH and metals above Commercial Use RSCOs

AECC recommended performance of additional investigation to identify the source of the chlorinated solvents in groundwater and clarify the presence and extent of free product on site. The City reported the results of the AECC 2016 investigation to the NYSDEC, which opened a new spill file (#16-08628) for the Site.

*Phase II Supplemental Subsurface Investigation (SSI) Report*

In 2017, AECC performed a supplemental investigation of Site subsurface soils and groundwater:

- Installation of an additional eleven (11) soil borings
- Re-drill of six (6) prior investigation borings (namely, SB-5, SB-6, SB-7, SB-10, SB-11, and SB-16) to allow collection of soil samples and/or installation of additional temporary monitoring wells
- Collection of fifteen (15) soil samples from the borings with sampling depths ranging from 3.5–10 feet bgs, which were analyzed for full-list VOCs (USEPA Method 8260), base/neutral SVOCs (USEPA Method 8270), and/or RCRA 8 metals (USEPA Method 6010/7471)
- Installation of eight (8) additional temporary monitoring wells, collection of groundwater samples, and subsequent laboratory analysis for VOCs, SVOCs, and RCRA-8 metals

Figure 1 shows the location of the various sampling, boring, and well locations from both the limited Phase II ESA and the SSI.

AECC reported the following conclusions:

- As with the previous investigation, Site surface soils were typically a fill-like material (brick, concrete, gravel, and coarse sand) from about 6" to approximately 4 to 6 feet bgs. Deeper subsurface soils were characteristically a medium-sand interspersed with trace gravel and stone fragments. Occasionally, some silt was encountered below 10 feet bgs.

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- As with the previous investigation, borings terminated at 15-feet bgs (or shallower, depending on subsurface conditions and sampling goals).
- In December 2016 (original Phase II ESA investigation), AECC observed free-phase floating petroleum product (free product) in SB-4/TW-3 purge water. In 2017, AECC installed boring/well SB-20/TW-7 to determine if free product was present at a location between the former UST and SB-4/TW-3 (i.e., west of SB-4/TW-3). AECC concluded that any free product at SB-4/TW-3 is of limited areal of impact.
- Based on depth-to-water readings, groundwater occurs at a depth of 5-7 feet bgs and apparently flows in a general south to north direction at an approximate 4% gradient (see Figure 4 in AECC, 2017).
- Chlorinated solvents, PAHs, and/or metals are present to one degree or another in soils, as well as in groundwater throughout the Site (see Attachment C).
- Soils with elevated PAH and metals contamination is located primarily in an area at grade near Oriskany Street, likely related to poor quality fill placed in the past or the presence of a historic railroad. Elevated PAH and metals concentrations in groundwater might be biased due to sample turbidity.
- The chlorinated solvent plume may be originating from an off-site source to the south or southeast of the Site (see Attachments C and D). Note: based upon the Sanborn maps provided in the GHD Phase I ESA, the former knitting company had a “new” machine shop immediately south of the site across Erie St., between Downer and Mathews Ave.
- Due to the high concentrations of chlorinated solvents in groundwater, vapor intrusion could be a concern for any future structures erected on the Site.

In addition, AECC recommended:

- The City should submit the 2017 AECC report and formal request closing the Site associated petroleum spill file (#16-08628).
- In order to collect and analyze higher quality groundwater samples with less turbidity, new “permanent” groundwater wells should be constructed and sampled with low-flow methods.
- Additional groundwater monitoring wells at the border of the southeastern corner of the Site will help to clarify whether the source of the chlorinated solvent plume is on Site or originates from an off-Site source. These wells will similarly help to define the southern extent of PAHs observed in the northeastern corner.

### AECC Findings

The Phase I ESA provides a good historic review and identifies potentially relevant items or issues and several RECs, some that are vague and poorly defined, given the detail in the Sanborn maps. The two AECC Phase II investigations indicate the presence of a chlorinated solvent plume (primarily Trichloroethene) in groundwater and PAHs and metal/metalloid concentrations in surface and subsurface soils, in particular along the northern margin of the parcel. These analyte concentrations are, in some instances, greater than NYSDEC SCOs and groundwater standards. AECC concludes that additional investigation is necessary and that remediation of extant soil contamination above restricted soil cleanup objectives (RSCOs) for commercial re-use (NYSDEC Soil Cleanup Policy, CP-51) will be necessary, as will remediation of the chlorinated groundwater plume.

## **Remedial Action Objectives (RAOs)**

Discussion of the selection of remedial alternatives must begin with the identification of Remedial Action Objectives (RAOs). This is not a detailed Feasibility Study (FS) or Remedy Selection report. Nevertheless, AECC wishes identify the following as the most likely RAOs for this site:

- Groundwater with contaminant levels greater than groundwater effluent standards
  - Public Health Protection
    - Prevent ingestion and dermal contact
    - Prevent contact with or inhalation of volatiles
  - Environmental Protection
    - Remove the source of contamination, if on-site
    - Restoration to pre-disposal/pre-release conditions, to the extent practicable
- Soil with contaminant levels greater than specified SCO or RSCO
  - Public Health Protection
    - Prevent ingestion/direct contact
    - Prevent inhalation exposure to volatilized contaminants
  - Environmental Protection—prevent migration of contaminants
- Soil Vapor
  - RAOs for Public Health Protection

Mitigate impacts to public health resulting from potential soil vapor intrusion into Site buildings

## **Remedial Alternatives**

### *Screening of Available Remedial Technologies*

The first step in the process of developing viable remedial alternatives was to review available and proven remedial technologies. AECC screened these technologies using the following criteria to determine their applicability to the Site and eliminated those technologies not technically or economically feasible:

- Short-term effectiveness
- Long-term effectiveness
- Implementability
- Relative cost; and
- Short-term risk

According to the property survey, the Site is approximately 240,000 sf. Based on the data obtained to-date there appear to be three environmental contamination issues to address:

- Soil contamination
  - Northwestern corner
  - Eastern portion
- Groundwater contamination, primarily the chlorinated plume with secondary metals and PAH contamination



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For the purposes of this alternatives analysis, AECC has assumed that remedial actions will be concluded prior to development of the Site. However, if a scenario occurs that allows for site development to commence at the same time as remediation, the sharing of some efforts and costs may be a benefit to the project.

A list of the screened remedial technologies follows, with those considered technically and economically feasible for this project in bold:

- **Institutional Control (IC)**
- **Site Management Plan (SMP), including Institutional and Engineering Controls**
- **Cover System**
- **Excavation**
- Ex-Situ Incineration
- Ex-Situ Thermal Desorption
- Consolidation/Capping
- In-Situ Solidification
- In-Situ Stabilization
- Ex-Situ Solidification/Stabilization
- On-Site Disposal
- **Off-Site Disposal**
- In-Situ Thermal Treatment
- Soil Vapor Extraction
- Air Sparging
- Vapor Mitigation
- **In-Situ Chemical Oxidation or Reduction**
- **Enhanced Bioremediation**
- Monitored Natural Attenuation
- Groundwater Extraction and Treatment
- Air Stripping
- Liquid-Phase Absorption Using Granular Active Carbon
- Ex-Situ Chemical/Ultraviolet Oxidation
- Chemical Precipitation
- Ion Exchange/Absorption
- In-Situ Colloidal Activated Carbon

(continued on next page)

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### Summary of Potential Remedial Alternatives

Using the project-specific feasible technologies as options, the following remedial alternatives were developed:

- Remedial Alternative 1: No Further Action
- Remedial Alternative 2: Restricted Commercial / Industrial Use: Cover System with Limited Excavation / Off-Site Disposal and Enhanced Bioremediation
- Remedial Alternative 3: Restricted Commercial / Industrial Use: Cover System with Limited Excavation / Off-Site Disposal and In-Situ Chemical Oxidation / Reduction and Colloidal Activated Carbon Barrier
- Remedial Alternative 4: Unrestricted Use: Excavation / Off-Site Disposal and Enhanced Bioremediation

AECC's evaluation of these remedial alternatives follows below.

### Remedial Alternative 1 – No Further Action

This remedial alternative is included as a procedural requirement and as a baseline to evaluate other alternatives. Under this remedial alternative, the site would remain in its current state, with no additional controls in-place, no further remedial or monitoring activities would occur, and no environmental easement would be recorded. The site would remain virtually as-is, and change in use would not be limited except by existing land use controls such as zoning.

The site as it exists is not protective of human health and the environment, due to the absence of institutional controls to prevent less restrictive forms of future site use (unrestricted) or export of site soils to uncontrolled off-site locations. Accordingly, the No Further Action alternative is not protective of public health and does not satisfy the RAOs.

Under the current and reasonably anticipated future use of the site (commercial building with ancillary asphalt parking lot, and landscaping), the concentrations of constituents detected in the soil / fill do not comply with applicable SCOs including: VOC, SVOC, and metals concentrations above Commercial Use SCOs.

### Remedial Alternative 2 – Restricted Commercial / Industrial Use: Cover System with Limited Excavation / Off-Site Disposal and Enhanced Bioremediation

#### Sequence of Events

AECC assumes that after preparation of the Remedial Investigation (RI) and its review and approval by the appropriate regulatory agency, the program would move into a formal and detailed alternatives analysis as well as development of the remedial action work plan and engineering design. Next, the CAMP would begin simultaneously with limited fill and soil removal. Groundwater treatment would subsequently commence. Following these activities, the soil cover would be installed. Upon completion of these primary remedial activities, remediation closeout would occur and groundwater treatment would enter the OM&M stage.

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City of Utica, Dept. of Urban & Economic Development  
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Remedial Investigation

Based upon the available evidence, AECC believes additional data are necessary to:

- Define the nature and extent of soil contamination (specifically to define volume); an additional 15 samples using a set of laboratory analyses similar to those in the previous investigations
- Identify the source of groundwater contamination and provide sufficient hydrological and geochemical parameters to design an appropriate groundwater plume control and mitigation system; these questions will require up-gradient and down-gradient investigations. This will require installation of approximately eleven (11) permanent monitoring wells, including two sets of two nested wells screened at different depth intervals, and using a set of laboratory analyses similar to those in the previous investigations.
- Based upon the findings of the additional groundwater investigation, it may be necessary to perform a potable well survey and an indoor air survey of those buildings adjacent and downgradient of the site and within the area of the chlorinated solvent groundwater plume. However, since the area has a municipal water supply and the data obtained to-date does not suggest that the plume is migrating off-site, AECC has assumed that inclusion of these activities in our alternatives analysis is unnecessary.

Soil Remediation

Remediation of the identified soil contamination can be through either removal or placement of a cover, or a combination of both, assuming it is limited within the identified areal extent. Based upon our experience, AECC is of the opinion that the best approach (in terms of feasibility, effectiveness, cost, and schedule impact) to remedying the environmental issues posed by the known soil contamination is limited ("hot spot") soil removal with a cover system. Excavated soils would be disposed of at appropriately permitted off-site waste disposal facility.

NYSDEC typical cover requirements include the following:

- Demarcation fabric, with warning properties, above the contaminated fill or soil
- Clean cover material:
  - 2 feet of stone, soil, etc.
  - Concrete building slab
  - Asphalt pavement
- Environmental Easement
- Site Management Plan, with regular inspection and engineering certification

Groundwater Remediation & OM&M

Groundwater remediation will be more involved than soil remediation and will have a longer treatment time. The Site's chlorinated plume is primarily Trichloroethene with signs of dechlorination as evidenced by the presence of degradation daughters (Dichloroethene and Vinyl Chloride). Note that if an on-site source is identified during the investigation, some associated soil removal may be necessary.

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Based on the data obtained to-date, AECC approached costing of the groundwater treatment as follows:

- Source removal: assumed a limited removal along the southern margin of the site (between the parcel boundary and TW-9); this was included as a component of the soil remediation (mentioned above)
- Treatment Test to select between an aerobic or anaerobic feeding approach
- Installation of an upgradient treatment trench/injection gallery for molasses or anaerobic micro-emulsion
- Treatment initialization and monitoring for the initial year (4-quarters)
- Remedial system Operation, Monitoring, and Maintenance (OM&M) groundwater monitoring for primary chlorinated species and requisite geochemical markers over a period of 2-6 years

Community Air Monitoring Program (CAMP)

A Community Air Monitoring Program (CAMP) will be necessary whenever contaminated soils are disturbed, beginning with initial site preparation work, and continuing until the cover is in-place and the site stabilized to a sufficient degree to render air quality concerns moot.

Other Considerations

This alternative will require an environmental easement and Site Management Plan (SMP) to control subsurface access together with regular cover inspection with engineering certification.

Remedial Alternative 3 – Restricted Commercial / Industrial Use: Cover System with Limited Excavation / Off-Site Disposal and In-Situ Chemical Oxidation / Reduction

This remedial alternative is similar to Remedial Alternative 2, except in-situ chemical oxidation / reduction (3DME and CRS ferrous iron solution gridded across the Site) will comprise the groundwater remediation.

Remedial Alternative 4 – Unrestricted Use: Excavation / Off-Site Disposal and Enhanced Bioremediation

This remedial alternative is similar to Remedial Alternative 2, except that all soils that exhibit concentrations of contaminants above the Unrestricted Use SCOs per 6NYCRR Part 375 will be removed and disposed off-site. The following are the key elements of this remedial alternative (in anticipated sequence of performance):

- Excavation of fill and soil material impacted by VOCs, SVOCs, and metals from all areas of the Site;
- Backfill and compaction of certified clean fill; and
- Groundwater remediation via Enhanced Bioremediation.

Mr. Brian Thomas  
City of Utica, Dept. of Urban & Economic Development  
**Remedial Alternatives Analysis & Cost Estimate**  
**Former Mele Manufacturing Site - Utica, New York**

The estimated total volume of impacted soil that would be removed from these areas totals approximately 20,000 cy (approximately 100,000 sf X 5 ft depth or 10 acre-foot of soil) or about 25,000 tons. This remedial alternative will not require a cover, environmental easement, or Site Management Plan.

## **Preliminary Remediation Estimates**

### *Remedial Alternative 1 – No Further Action*

The costs associated with this alternative are limited to the production of a Final Report for the site. The present worth of this remedy is \$10,000, consisting of entirely of capital costs.

### *Remedial Alternative 2 – Restricted Commercial / Industrial Use: Cover System with Limited Excavation / Off-Site Disposal and Enhanced Bioremediation*

1. BCP Application & Negotiation (\$5,000–\$15,000)  
Purpose—enter property into USEPA and NYSDEC BCPs (includes: agreement assistance [technical background, contamination documentation, & site figures], and preparation of Remedial Investigation Work Plan [RIWP])
2. Remedial Investigation (RI) (\$75,000–\$150,000)  
Purpose—define nature & extent of contamination, installation of permanent monitoring wells and one synoptic round of groundwater monitoring. Prepare formal RI report. Note that NYSDEC regulations require an RI to include soil and groundwater sampling for the full suite of potential contaminants (petroleum, chlorinated solvents, PCBs, metals, pesticides, herbicides, PFAS, etc.).
3. Alternatives Analysis & Remedial Action Work Plan/Design (\$20,000–\$50,000)
4. CAMP (\$20,000–\$60,000)
  - 1) Assume 2-months of operation (summer)
  - 2) Meteorology Station
  - 3) Airborne Particulate Density Monitoring (fence-line upwind & downwind, & handheld in-field)—purpose is real-time management during windy or dusty conditions
  - 4) Daily, Weekly, Monthly, & Final Reporting
5. Limited Soil Removal (\$85,000–\$125,000)
  - 1) Removal of “Hot Spot” Soils (500–750 cy or 750–1,125 tons)
  - 2) Groundwater Plume Source Removal (assumed off-site, therefore none included)
  - 3) Off-site disposal of 750–1,125 tons:
    - 25% hazardous waste, with disposal @ \$200/ton
    - 75% municipal solid waste (landfill cover disposal @ \$45/ton)
  - 4) Clean backfill (assumed the City will be able to supply for no cost)



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**Former Mele Manufacturing Site - Utica, New York**

6. Cover (\$45,000–\$65,000)
  - 1) Demarcation barrier
    - Developable area is 217,800 sf
    - Assume coverage of 90,000-130,000 sf (@ \$0.50/sf)
    - Sub-total: \$45,000–\$65,000
  - 2) Clean fill above protection layer
    - 2 feet of fill (includes landscaping topsoil)
    - Fill Pricing—assumed City can cover cost with its own sources, therefore, no cost
7. Groundwater Treatment System (\$35,000–\$75,000)
  - 1) Treatment Test to select between an aerobic or anaerobic feeding approach
    - \$5,000–\$15,000
  - 2) Installation of an upgradient treatment trench/injection gallery for molasses or anaerobic micro-emulsion
    - \$15,000–\$30,000
  - 3) Treatment initialization and monitoring for the initial year (4-quarters)
    - \$15,000–\$30,000
8. Remediation Oversight (\$22,500–\$37,500)
  - Sr. Tech @ \$750/day, 30-50 days
9. Land Survey & Easement (covered by City resources, no cost)
10. Remediation Close-out (\$20,000–\$50,000)
  - Regulatory Interaction
  - Site Management Plan (SMP)
  - Final Engineering Report with Certifications
11. Groundwater OM&M (\$30,000–\$75,000)
  - Operational Period = 2-5 years
  - Assumes 6 wells + QA/QC samples
  - Laboratory Category B deliverable, DUSR preparation, and EQuIS data submittal
  - Quarterly Monitoring
  - Annual Site Inspection
  - Quarterly and Annual Reporting

Mr. Brian Thomas  
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**Remedial Alternatives Analysis & Cost Estimate**  
**Former Mele Manufacturing Site - Utica, New York**

COSTING SUMMARY – REMEDIAL OPTION 2			
Task	Name	Cost Range in \$	
		Lower	Upper
1	BCP Application & Negotiation	\$5,000.00	\$15,000.00
2	Remedial Investigation	\$75,000.00	\$150,000.00
3	Remedial Alternatives / Design / Plan	\$20,000.00	\$50,000.00
4	CAMP	\$20,000.00	\$60,000.00
5	Soil Removal	\$85,000.00	\$125,000.00
6	Cover	\$45,000.00	\$65,000.00
7	Groundwater Treatment System	\$35,000.00	\$75,000.00
8	Oversight	\$22,500.00	\$37,500.00
9	Land Survey & Easement	\$0.00	\$0.00
10	Remediation Close-out	\$20,000.00	\$50,000.00
11	Groundwater OM&M	\$30,000.00	\$75,000.00
—	Contingency @25%	\$89,375.00	\$175,625.00
<b>TOTAL</b>		<b>\$446,875.00</b>	<b>\$878,125.00</b>

*Remedial Alternative 3 – Restricted Commercial / Industrial Use: Cover System with Limited Excavation / Off-Site Disposal and In-Situ Chemical Oxidation / Reduction*

COSTING SUMMARY – REMEDIAL OPTION 3			
Task	Name	Cost Range in \$	
		Lower	Upper
1	BCP Application & Negotiation	\$5,000.00	\$15,000.00
2	Remedial Investigation	\$75,000.00	\$150,000.00
3	Remedial Alternatives / Design / Plan	\$20,000.00	\$50,000.00
4	CAMP	\$20,000.00	\$60,000.00
5	Soil Removal	\$85,000.00	\$125,000.00
6	Cover	\$45,000.00	\$65,000.00
7	Groundwater Treatment System	\$500,000.00	\$1,500,000.00
8	Oversight	\$22,500.00	\$37,500.00
9	Land Survey & Easement	\$0.00	\$0.00
10	Remediation Close-out	\$20,000.00	\$50,000.00
11	Groundwater OM&M	\$30,000.00	\$75,000.00
—	Contingency @25%	\$205,625.00	\$531,875.00
<b>TOTAL</b>		<b>\$1,028,125.00</b>	<b>\$2,659,375.00</b>

Mr. Brian Thomas  
City of Utica, Dept. of Urban & Economic Development  
**Remedial Alternatives Analysis & Cost Estimate**  
**Former Mele Manufacturing Site - Utica, New York**

*Remedial Alternative 4 – Unrestricted Use: Excavation / Off-Site Disposal and Enhanced Bioremediation*

COSTING SUMMARY – REMEDIAL OPTION 4			
Task	Name	Cost Range in \$	
		Lower	Upper
1	BCP Application & Negotiation	\$5,000.00	\$15,000.00
2	Remedial Investigation	\$75,000.00	\$150,000.00
3	Remedial Alternatives / Design / Plan	\$20,000.00	\$50,000.00
4	CAMP	\$20,000.00	\$60,000.00
5	Soil Removal	\$1,350,000.00	\$2,300,000.00
6	Cover	\$0.00	\$0.00
7	Groundwater Treatment System	\$35,000.00	\$75,000.00
8	Oversight	\$22,500.00	\$37,500.00
9	Land Survey & Easement	\$0.00	\$0.00
10	Remediation Close-out	\$10,000.00	\$25,000.00
11	Groundwater OM&M	\$30,000.00	\$75,000.00
—	Contingency @25%	\$391,875.00	\$696,875.00
<b>TOTAL</b>		<b>\$1,959,375.00</b>	<b>\$3,484,375.00</b>

## Comparative Analysis of Remedial Alternatives

The comparative analysis is designed to provide decision makers with information to aid in the selection of a remedial alternative that best meets the requirements for remedial actions. The following analysis compares the remedial alternatives relative to each other using the following evaluation criteria to support selection of a preferred remedial alternative:

- Protection of human health and the environment
- Compliance with RAOs
- Reduction of toxicity, mobility, or volume
- Short-term effectiveness
- Long-term effectiveness and permanence
- Implementability
- Cost effectiveness
- Land use
- Community acceptance
- “Green” principles and techniques
- Considering the environmental impacts of treatment technologies and remedy stewardship over the long term;
- Reducing direct and indirect greenhouse gases and other emissions;
- Increasing energy efficiency and minimizing use of non-renewable energy;
- Conserving and efficiently managing resources and materials;
- Reducing waste, increasing recycling and increasing reuse of materials
- Fostering green and healthy communities and working landscapes which balance ecological, economic and social goals; and,
- Integrating the remedy with the end use where possible and encouraging green and sustainable re-development.

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**Remedial Alternatives Analysis & Cost Estimate**  
**Former Mele Manufacturing Site - Utica, New York**

Each remedial alternative was assessed and assigned a rating (poor, fair, good, excellent, or superior) for each evaluation criteria. Based on the evaluation of the individual criteria, each alternative was also given an overall rating (poor, fair, good, excellent, or superior). Note that community acceptance is not rated since it is based upon public comments received after issuance of this report.

Evaluation Criteria	Remedial Alternative			
	1	2	3	4
Protectiveness	Poor	Good	Good	Superior
Compliance	Poor	Good	Good	Superior
Reduction	Poor	Good	Good	Fair
Short-term effectiveness	Poor	Fair	Fair	Fair
Long-term effectiveness	Poor	Good	Good	Good
Implementability	Superior	Good	Fair	Poor
Cost Effectiveness	Poor	Excellent	Poor	Poor
Land Use	Poor	Excellent	Good	Good
"Green" Principles	Fair	Good	Good	Good
<b>Overall</b>	<b>Poor</b>	<b>Good</b>	<b>Fair</b>	<b>Good</b>

## Selection of Preferred Remedy

Remedial Alternative 1 would not be protective of human health and the environment, and therefore, is disqualified from consideration. Remedial Alternatives 2 through 4 are protective of human health and the environment; each of these remedial alternatives, if implemented, will achieve the RAOs.

Based on the above comparisons, Remedial Alternative 2 (Restricted Commercial / Industrial Use: Cover System with Limited Excavation / Off-Site Disposal and Enhanced Bioremediation) was selected as the preferred remedial alternative for the Site. This remedial alternative will provide an appropriate, cost-effective remedy that protects human health and the environment, can be implemented in a timely manner, and is consistent with the intended use of the Site. Adverse impact from potential extreme weather events is expected to be limited to minor gullyng in the cover after extreme rainfall.

## Conclusions and Recommendations

The available reports provide a historic review of the Site and identify potentially relevant environmental issues and Recognized Environmental Conditions. The Phase II work identified VOCs, PAHs, and metal/metalloids consistent with a long industrial history, with some concentrations greater than NYSDEC (R)SCOs and groundwater standards. The investigation also identified a chlorinated solvent plume in groundwater.

AECC screened several remedial technologies and short-listed the most feasible options. AECC then evaluated four remedial alternatives based on these technologies:

Remedial Alternative 1: No Further Action

Remedial Alternative 2: Restricted Commercial / Industrial Use: Cover System with Limited Excavation / Off-Site Disposal and Enhanced Bioremediation

Mr. Brian Thomas  
City of Utica, Dept. of Urban & Economic Development  
**Remedial Alternatives Analysis & Cost Estimate**  
**Former Mele Manufacturing Site - Utica, New York**

- Remedial Alternative 3: Restricted Commercial / Industrial Use: Cover System with Limited Excavation / Off-Site Disposal and In-Situ Chemical Oxidation / Reduction and Colloidal Activated Carbon Barrier
- Remedial Alternative 4: Unrestricted Use: Excavation / Off-Site Disposal and Enhanced Bioremediation

Based on our evaluation, Remedial Option 2 is the preferred remedial alternative. This alternative includes entry into the BCP, performance of a Remedial Investigation, soil remediation (limited "hot spot" removal plus a cover system and easement with a Site Management Plan), groundwater treatment (including 2-5 years of OM&M), and supportive work to achieve closure. The cost estimate for environmental investigation, remediation, and OM&M ranged from approximately \$450,000 to \$900,000, including a 25% contingency.

AECC concludes that the Site is a good candidate for the USEPA and NYSDEC BCP considering the groundwater plume, as well as the limited soil contamination in excess of restricted and/or commercial NYSDEC SCOs.

Note that our alternatives analysis and associated cost estimates are based on limited data obtained to-date, and significant data gaps exist (source of chlorinated solvent plume, concentration of chlorinated solvents along the southern border, depth of the chlorinated solvent plume, horizontal extents of soil contamination, etc.). Therefore, our analysis includes several assumptions that may or may not be accurate (size of plume, off-site source that will be removed/remediated separate from the on-Site remediation, amenable groundwater characteristics for bioremediation, utilization of City resources, etc.). AECC intends our analysis and this letter to serve as a basis for future investigation, remediation, and planning. We can revise this analysis as more data become available. Also note that our alternatives analysis and cost estimates are not to be construed a scope or quotation for services.

If you have any questions pertaining to this project, please do not hesitate to call our corporate office at (315) 432-9400.

Sincerely,

Asbestos & Environmental Consulting Corporation



Richard D. McKenna  
Senior Project Manager

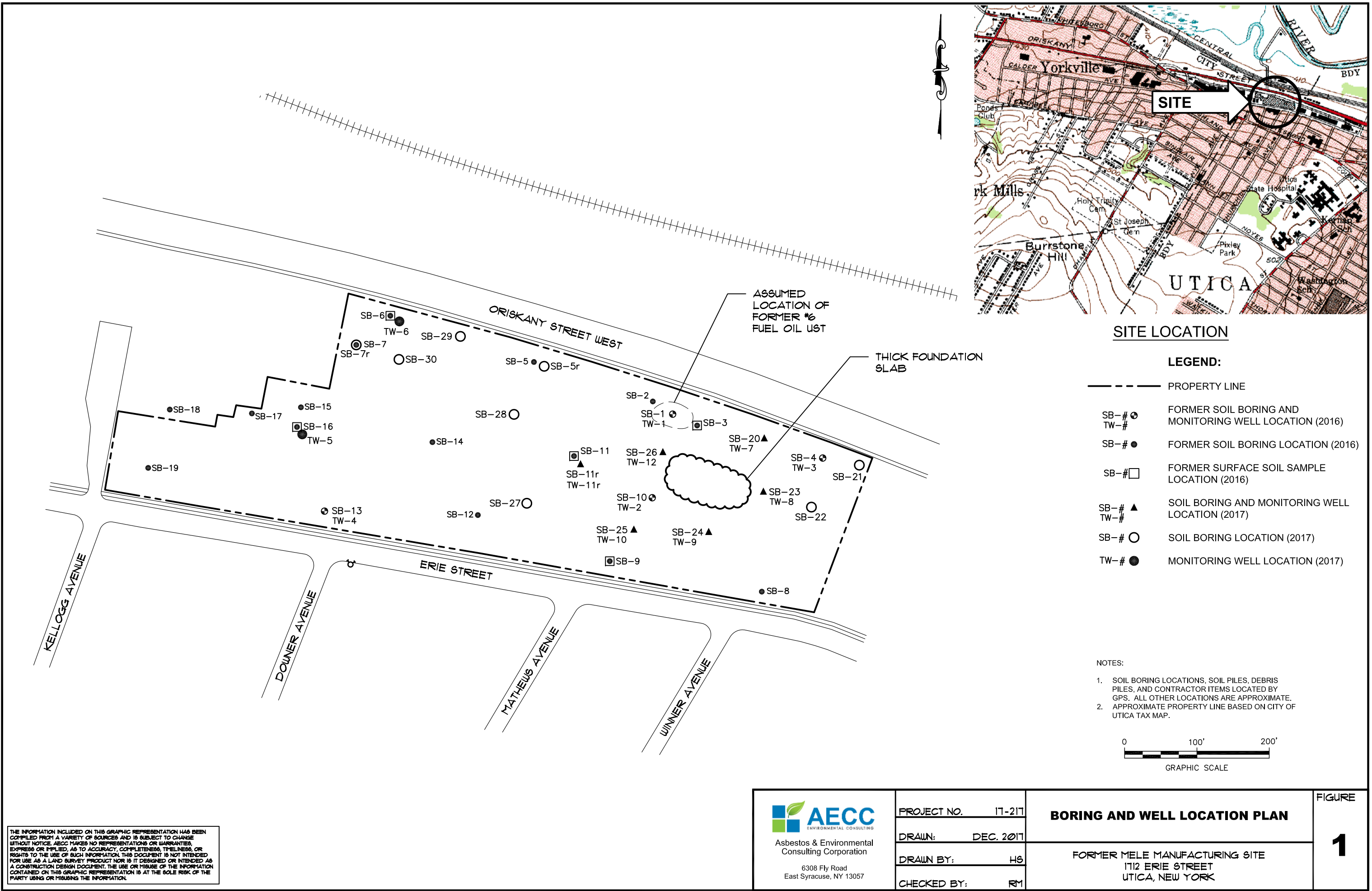
- Attachment A: Site Locus & Layout with Boring/Well Locations (from Fig. 1, AECC 2017)
- Attachment B: Extent of Soil Contamination Above Industrial/Commercial Use RSCOS (from Fig. 3, AECC 2017)
- Attachment C: Extent of Groundwater Contamination (from Fig. 5, AECC 2017)
- Attachment D: Chlorinated Solvent Plume in Eastern Portion of Site (from Fig. 6, AECC 2017)

## **ATTACHMENT A**

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### **Site Locus and Layout with Boring and Well Locations (Figure 1 from AECC 2017)**





## **ATTACHMENT B**

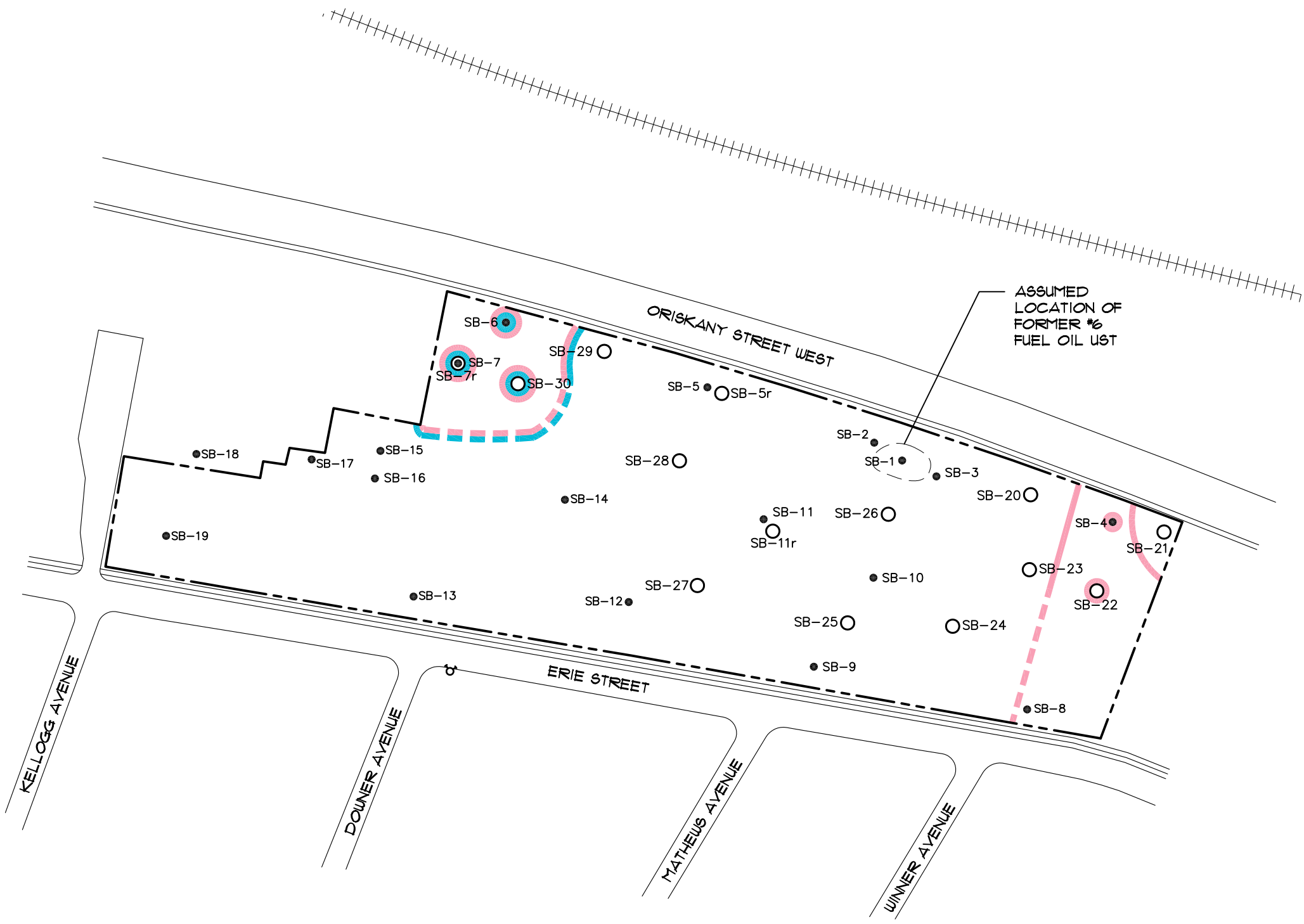
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### **EXTENT OF SOIL CONTAMINATION ABOVE INDUSTRIAL AND COMMERCIAL USE RSCOS (FIGURE 3 FROM AECC 2017)**

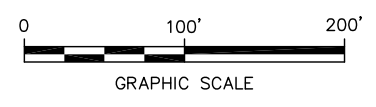


**LEGEND:**


- PROPERTY LINE
- SB-# SOIL BORING LOCATION (2016)
- SB-# SOIL BORING LOCATION (2017)
- IMPLIED EXTENT OF ARSENIC IN SOIL CONTAMINATION AT CONCENTRATIONS ABOVE APPLICABLE COMERCIAL AND INDUSTRIAL USE RSCOs
- IMPLIED EXTENT OF PAH AT CONCENTRATIONS ABOVE APPLICABLE COMERCIAL AND INDUSTRIAL USE RSCOs
- SOIL SAMPLE EXHIBITING ARSENIC CONCENTRATIONS ABOVE APPLICABLE COMMERICAL AND INDUSTRIAL USE RSCOs
- SOIL SAMPLE EXHIBITING PAH CONCENTRATIONS ABOVE APPLICABLE COMMERICAL AND INDUSTRIAL USE RSCOs



1. SOIL BORING LOCATIONS, SOIL PILES, DEBRIS PILES, AND CONTRACTOR ITEMS LOCATED BY GPS. ALL OTHER LOCATIONS ARE APPROXIMATE.
2. APPROXIMATE PROPERTY LINE BASED ON CITY OF UTICA TAX MAP.



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<div><p>Asbestos &amp; Environmental Consulting Corporation</p><p>6308 Fly Road East Syracuse, NY 13057</p></div>	PROJECT NO. 17-217		<b>EXTENTS OF SOIL CONTAMINATION ABOVE INDUSTRIAL AND COMMERCIAL USE RSCOs</b>	<b>FIGURE 3</b>
	DRAWN: DEC. 2017			
	DRAWN BY: HS	FORMER MELE MANUFACTURING SITE 1712 ERIE STREET UTICA, NEW YORK		
	CHECKED BY: RM			

**ATTACHMENT C**  
**EXTENT OF GROUNDWATER CONTAMINATION**  
**(FIGURE 5 FROM AECC 2017)**

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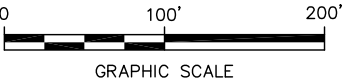
SAMPLE LOCATION	TOTAL CONCENTRATION OF DETECTED COMPOUNDS (ppb)		
	VOCs	PAH	LEAD
TW-1	ND	ND	40
TW-2	2196.8	ND	ND
TW-3	6.35	ND	339
TW-4	ND	ND	ND
TW-5	7.21	2.47	NA
TW-6	40.24	5.42	91
TW-7	22.82	3.3	70
TW-8	814	ND	6
TW-9	9170	NA	NA
TW-10	ND	NA	NA
TW-11	11.65	0.97	NA
TW-12	599.8	0.96	177




LEGEND:

- PROPERTY LINE
- TW-# ● MONITORING WELL LOCATION (2016)
- TW-# ▲ MONITORING WELL LOCATION (2017)
- ND NOT DETECTED
- NA SAMPLE NOT ANALYZED FOR THIS COMPOUND
- IMPLIED EXTENT OF LEAD IN GROUNDWATER
- IMPLIED EXTENT OF PETROLEUM VOCs IN GROUNDWATER
- IMPLIED EXTENT OF PAH IN GROUNDWATER
- IMPLIED EXTENT OF CHLORINATED SOLVENT IN GROUNDWATER
- GROUNDWATER SAMPLE EXHIBITING LEAD CONCENTRATIONS ABOVE APPLICABLE TOGS 1.1.1 STANDARDS/ GUIDANCE VALUES
- GROUNDWATER SAMPLE EXHIBITING PETROLEUM VOCs CONCENTRATIONS ABOVE APPLICABLE TOGS 1.1.1 STANDARDS/ GUIDANCE VALUES
- GROUNDWATER SAMPLE EXHIBITING PAH CONCENTRATIONS ABOVE APPLICABLE TOGS 1.1.1 STANDARDS/ GUIDANCE VALUES
- GROUNDWATER SAMPLE EXHIBITING CHLORINATED SOLVENT CONCENTRATIONS ABOVE APPLICABLE TOGS 1.1.1 STANDARDS/ GUIDANCE VALUES

1. SOIL BORING LOCATIONS, SOIL PILES, DEBRIS PILES, AND CONTRACTOR ITEMS LOCATED BY GPS. ALL OTHER LOCATIONS ARE APPROXIMATE.
2. APPROXIMATE PROPERTY LINE BASED ON CITY OF UTICA TAX MAP.



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Asbestos & Environmental Consulting Corporation  
6308 Fly Road  
East Syracuse, NY 13057

PROJECT NO.	17-217
DRAWN:	DEC. 2017
DRAWN BY:	HS
CHECKED BY:	RM

**EXTENTS OF GROUNDWATER CONTAMINATION**

FORMER MELE MANUFACTURING SITE  
1712 ERIE STREET  
UTICA, NEW YORK

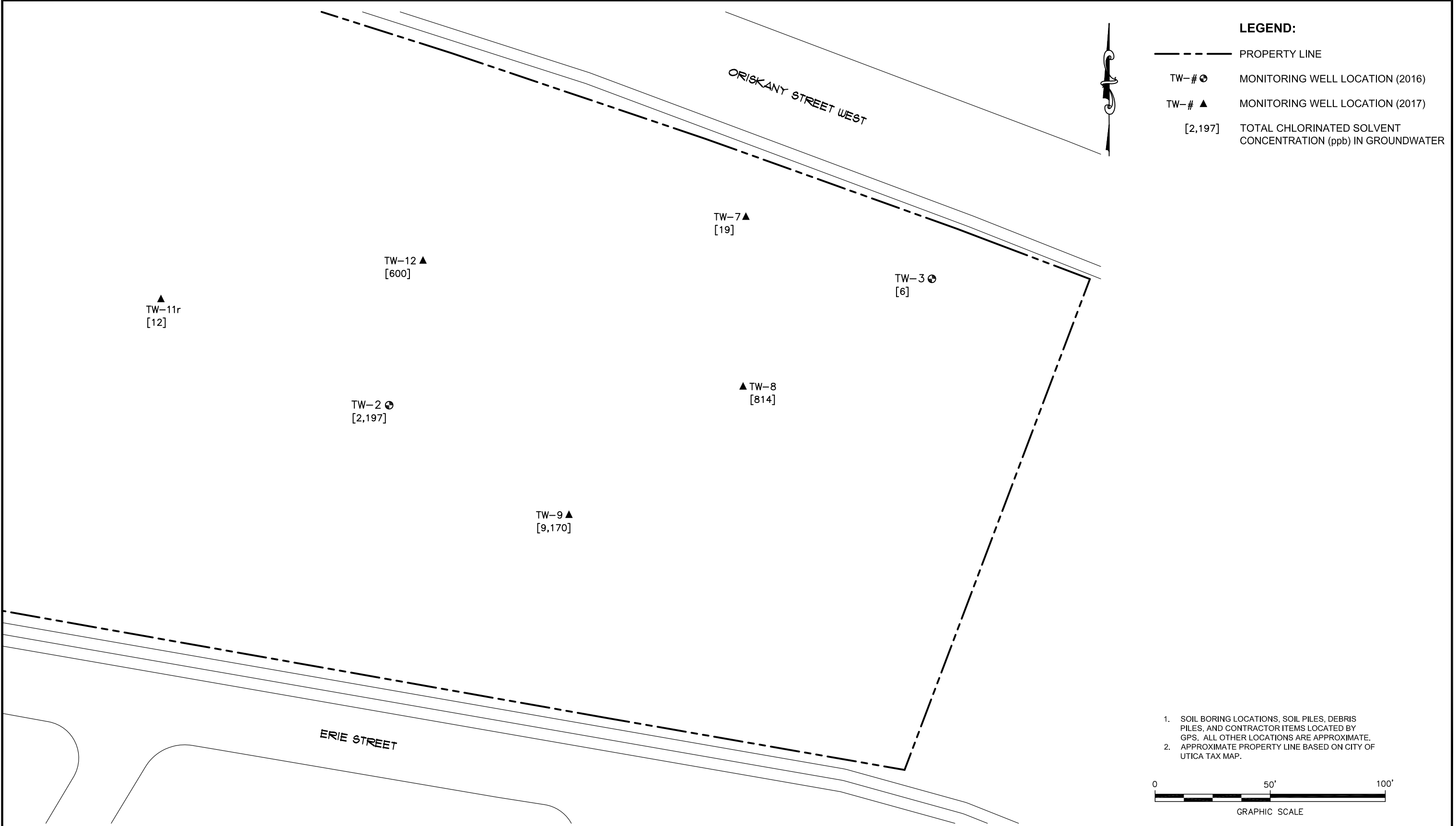
FIGURE

**5**


**ATTACHMENT D**  
**CHLORINATED SOLVENT PLUME IN EASTERN PORTION OF SITE**  
**(FIGURE 6 FROM AECC 2017)**

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 Asbestos & Environmental Consulting Corporation 6308 Fly Road East Syracuse, NY 13057	PROJECT NO.	17-217	<b>CHLORINATED SOLVENT PLUME IN EASTERN PORTION OF SITE</b>	<b>FIGURE 6</b>
	DRAWN:	DEC. 2017		
	DRAWN BY:	HS	FORMER MELE MANUFACTURING SITE 1712 ERIE STREET UTICA, NEW YORK	
	CHECKED BY:	RM		

# EXHIBIT L

## COMMUNITY NOTIFICATION DOCUMENTS

### COMMUNITY NOTIFICATION AD – JANUARY 15, 2019

**LEGAL NOTICES DEPARTMENT**  
**Utica Observer-Dispatch ~ Little Falls Times ~**  
**Herkimer Telegram ~ Mid York Weekly**  
**221 Oriskany Plaza, Utica, NY 13501**

**(315) 792-4918 – Direct Line**  
**(315) 792-5085 – Fax**  
[legals@uticaod.com](mailto:legals@uticaod.com)

This Proof has been prepared for:

Brian Thomas  
**CITY OF UTICA URBAN & ECONOMIC DEVELOPMENT**  
1 KENNEDY PLZ  
UTICA, NY 13502-4236  
315-792-0181

For Publication in the:

- ☒ Observer Dispatch  
☐ Times Telegram  
☐ Mid-York Weekly

☒ e-Mailed Proof - OR - ☐ Faxed Proof

#### Proof & Cost

Saturday, January 26, 2019

**Approved 01/10/19**

Ad #: **000651094**

Run Date(s): **01/15/2019**

Cost of Notice: **\$30.07**

Affidavit of Publication: **\$60.00** (\$30.\*each / 2x)

Total Order Price **\$90.07**

#### **Note:**

We are *approved* and all set to publish your legal notice in the **Observer Dispatch**.

*Thank you,*

**Linda**

**Karen**

Linda Grayson Garcea

Karen Greco

Legal Department

Legal Department

[legals@uticaod.com](mailto:legals@uticaod.com)

[legals@uticaod.com](mailto:legals@uticaod.com)

Telephone: 315-792-4918

Telephone: 315-792-5119

Fax: 315-792-5085

Fax: 315-792-5085

#### LEGAL NOTICE

Notice is hereby given that the City of Utica intends to apply for a United States Environmental Protection Agency (USEPA) Brownfield Cleanup Grant on or before January 31, 2019 for the property located at 1712 Erie Street, Utica, NY. The draft application, including an Analysis of Brownfield Cleanup Alternatives (ABCA) will be available for review and comment at a public meeting on:

Friday, January 25, 2019 at 11:00 AM in the Utica Common Council Chambers, located at:

Utica City Hall, First Floor  
1 Kennedy Plaza  
Utica, NY 13502

The draft application and ABCA will also be available for review and comment at the Department of Urban & Economic Development, 2nd Floor, Utica City Hall or on the city's website: <http://www.cityofutica.com/>

The public may send written comments to Brian Thomas to the above address or via email to: [bthomas@cityofutica.com](mailto:bthomas@cityofutica.com) until January 29, 2019.  
OD: 01/15/2019

Note: Please review and approve the text above with your reply. Thank you,

## EXHIBIT L

### COMMUNITY NOTIFICATION DOCUMENTS

A Public Meeting was held on Friday, January 25<sup>th</sup>, 2019 at 11:00 AM at Utica City Hall.

In attendance were:

- Brian Thomas, Commissioner of Urban & Economic Development
- Jack Spaeth, Utica Industrial Development Agency
- Christian Mercurio, VP Planning & Development, Mohawk Valley EDGE
- Derek Crossman, Utica Rust 2 Green

Brian Thomas opened the meeting in the Common Council Chambers by providing a brief project description. Brian noted that copies of the draft FY19 USEPA Brownfield Cleanup Application and draft Analysis of Brownfield Cleanup Alternatives (ABCA) were also on display in the Chambers, on the department website, and in the Office of Urban & Economic Development.

**Comment 1:** Christian Mercurio suggested that Rust 2 Green would be good fit for the community engagement component of the cleanup.

**Response 1:** Derek Crossman responded that Rust 2 Green specializes in community engagement, that Rust 2 Green would be very interested in leading the public engagement task force if the City were to be awarded USEPA Brownfield Cleanup Funding. . Brian Thomas confirmed that Rust 2 Green would be an ideal fit for that component of the project and concurred with this course of action.

**Resulting Action:** Draft application was amended and Derek Crossman from Rust 2 Green has joined the project team to lead the public engagement component.

Although the meeting attendance was sparse and there was only one material comment, it resulted in a positive outcome, whereby the project team was strengthened and the civic engagement component of the project will be led by an energetic, grassroots organization who routinely interfaces with downtown residents and businesses.

No other questions or comments were received during the public meeting.

At the time of this application, no additional comments received during the community notification period.

###

City of Utica ♦ Draft US EPA Brownfield Remediation Grant public hearing

1712 Erie Street

Friday, January 25, 2019

SPEAKER SIGN-IN SHEET

#	Name (First & Last)	Address
1	CHRISTIAN MORENO	105 SAUNDERS AVE Rome, NY 13740
2	Derek Coasman	1230 Leeds Street Utica, NY 13501
3	JACK SPARTAN (UICDA)	1 KENNEDY PLAZA, UTICA, NY 13502
4	BRAND THOMAS (UICDA)	" "
5		
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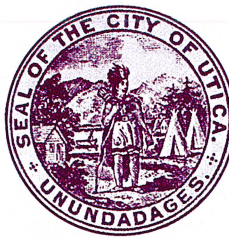
## **EXHIBIT M**

### **STATUTORY COST SHARE DISCUSSION**

**(A) Demonstrate how the City of Utica will meet the required cost share, including the sources of the funding or services, as required for this Cleanup Grant.**

The Utica Urban Renewal Agency (UURA) has passed a resolution committing up to \$100,000 in cash toward the brownfield cleanup of 1712 Erie Street; contingent upon successful award of FY19 Brownfield Cleanup Funding. Documentation of committed matching funds is included as an attachment to the Project Narrative.

**(B) The City of Utica is not seeking a Hardship Waiver Request.**



ROBERT M. PALMIERI  
CHAIRMAN

BRIAN THOMAS, AICP  
EXECUTIVE DIRECTOR

1 KENNEDY PLAZA  
UTICA, NEW YORK 13502  
PH. 315-792-0181  
FAX. 315-797-6607  
WWW.CITYOFUTICA.COM

# CITY OF UTICA

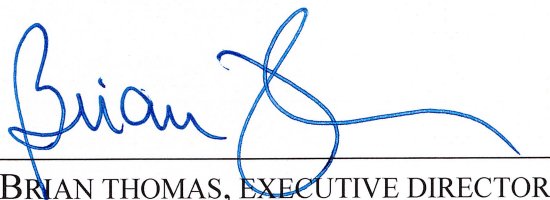
## URBAN RENEWAL AGENCY

### RESOLUTION

ON A MOTION BY DAVID FARINA, SECONDED BY COUNCILMAN ROBERT DESANCTIS AND UNANIMOUSLY APPROVED BY ALL VOTING BOARD MEMBERS, THE BOARD OF THE UTICA URBAN RENEWAL AGENCY AGREED TO COMMIT TO PROVIDE THE LOCAL MATCH TO THE CITY OF UTICA FOR A GRANT APPLICATION. THE APPLICATION WILL BE SUBMITTED TO THE UNITED STATES ENVIRONMENTAL AGENCY BY JANUARY 31<sup>ST</sup>, 2019. THE APPLICATION WILL BE SUBMITTED BY THE CITY OF UTICA, OF WHICH THE UTICA URBAN RENEWAL AGENCY IS A COMPONENT UNIT, AND WILL REQUEST UP TO \$500,000 IN FEDERAL FUNDING FOR THE REMEDIATION OF BROWNFIELD ISSUES AT 1712 ERIE STREET. THE AMOUNT OF MATCHING FUNDS REQUIRED FROM THE AGENCY WILL BE NO MORE THAN \$100,000.

I HEREBY CERTIFY THAT THE ABOVE RESOLUTION WAS APPROVED BY THE URBAN RENEWAL AGENCY BOARD AT THEIR MEETING ON JANUARY 24, 2019 AND ARE REFLECTED IN THE OFFICIAL MINUTES OF THE UTICA URBAN RENEWAL AGENCY AND ARE ON FILE IN THE UTICA URBAN RENEWAL AGENCY OFFICE, 1 KENNEDY PLAZA, UTICA, NY 13502

IN TESTIMONY WHEREOF, I HAVE SUBSCRIBED MY NAME, THIS 25<sup>TH</sup> DAY OF JANUARY, 2019



BRIAN THOMAS, EXECUTIVE DIRECTOR



## Application for Federal Assistance SF-424

\* 1. Type of Submission:

- ☐ Preapplication  
☒ Application  
☐ Changed/Corrected Application

\* 2. Type of Application:

- ☒ New  
☐ Continuation  
☐ Revision

\* If Revision, select appropriate letter(s):

\* Other (Specify):

\* 3. Date Received:

01/30/2019

4. Applicant Identifier:

5a. Federal Entity Identifier:

5b. Federal Award Identifier:

State Use Only:

6. Date Received by State:

7. State Application Identifier:

### 8. APPLICANT INFORMATION:

\* a. Legal Name:

City of Utica, New York

\* b. Employer/Taxpayer Identification Number (EIN/TIN):

15-6000418

\* c. Organizational DUNS:

0107599590000

### d. Address:

\* Street1:

1 Kennedy Plaza

Street2:

\* City:

Utica

County/Parish:

Oneida

\* State:

NY: New York

Province:

\* Country:

USA: UNITED STATES

\* Zip / Postal Code:

13502-4234

### e. Organizational Unit:

Department Name:

Urban & Economic Development

Division Name:

### f. Name and contact information of person to be contacted on matters involving this application:

Prefix:

Mr.

\* First Name:

Brian

Middle Name:

\* Last Name:

Thomas

Suffix:

Title: Commissioner of Urban & Economic Development

Organizational Affiliation:

\* Telephone Number:

315-792-0185

Fax Number:

315-797-6607

\* Email:

bthomas@cityofutica.com

## Application for Federal Assistance SF-424

### \* 9. Type of Applicant 1: Select Applicant Type:

C: City or Township Government

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

\* Other (specify):

### \* 10. Name of Federal Agency:

Environmental Protection Agency

### 11. Catalog of Federal Domestic Assistance Number:

66.818

CFDA Title:

Brownfields Assessment and Cleanup Cooperative Agreements

### \* 12. Funding Opportunity Number:

EPA-OLEM-OBLR-18-07

\* Title:

FY19 GUIDELINES FOR BROWNFIELDS CLEANUP GRANTS

### 13. Competition Identification Number:

Title:

### 14. Areas Affected by Project (Cities, Counties, States, etc.):

Add Attachment

Delete Attachment

View Attachment

### \* 15. Descriptive Title of Applicant's Project:

Brownfield Cleanup of 1712 Erie Street

Attach supporting documents as specified in agency instructions.

Add Attachments

Delete Attachments

View Attachments

**Application for Federal Assistance SF-424****16. Congressional Districts Of:**

\* a. Applicant

22

\* b. Program/Project

22

Attach an additional list of Program/Project Congressional Districts if needed.

Add Attachment

Delete Attachment

View Attachment

**17. Proposed Project:**

\* a. Start Date:

09/23/2019

\* b. End Date:

09/25/2020

**18. Estimated Funding (\$):**

\* a. Federal

380,000.00

\* b. Applicant

0.00

\* c. State

0.00

\* d. Local

76,000.00

\* e. Other

0.00

\* f. Program Income

0.00

\* g. TOTAL

456,000.00

**\* 19. Is Application Subject to Review By State Under Executive Order 12372 Process?**☐ a. This application was made available to the State under the Executive Order 12372 Process for review on☐ b. Program is subject to E.O. 12372 but has not been selected by the State for review.☒ c. Program is not covered by E.O. 12372.**\* 20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes," provide explanation in attachment.)**☐ Yes☒ No

If "Yes", provide explanation and attach

Add Attachment

Delete Attachment

View Attachment

**21. \*By signing this application, I certify (1) to the statements contained in the list of certifications\*\* and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances\*\* and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001)**

☒ \*\* I AGREE

\*\* The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.

**Authorized Representative:**

Prefix:

Mr.

\* First Name:

Robert

Middle Name:

M.

\* Last Name:

Palmieri

Suffix:

\* Title:

Mayor - City of Utica, New York

\* Telephone Number:

315-792-0100

Fax Number:

315-734-9250

\* Email:

mayor@cityofutica.com

\* Signature of Authorized Representative:

Brian Thomas

\* Date Signed:

01/30/2019